

# Exhibit 7

**In The Matter Of:**

***BENJAMIN ASHMORE***

***v.***

***CGI GROUP, INC. and CGI FEDERAL INC.***

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***KELLY L. BRYSON - Vol. 1***

***August 28, 2014***

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**MERRILL CORPORATION**

**Legalink, Inc.**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
BENJAMIN ASHMORE,

Plaintiff,

-against- 11 CIV 8611 (AT)

CGI GROUP, INC. and CGI FEDERAL INC.,

Defendants.

-----x

August 28, 2014

11:15 a.m.

Deposition of KELLY L. BRYSON,  
pursuant to notice, held at the offices  
of Bond Schoeneck & King, PLLC, 600 Third  
Avenue, New York, New York, before Gail  
F. Schorr, a Certified Shorthand  
Reporter, Certified Realtime Reporter and  
Notary Public within and for the State of  
New York.

1

2 A P P E A R A N C E S:

3 HERBST LAW PLLC

Attorneys for Plaintiff

4 420 Lexington Avenue

New York, NY 10170

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BY: ROBERT L. HERBST, ESQ.

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7

BOND, SCHOENECK & KING, PLLC

8 Attorneys for Defendants

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9 Albany, NY 12210-2280

10 BY: STUART F. KLEIN, ESQ.

(sklein@bsk.com)

11

12 ALSO PRESENT:

13 BENJAMIN ASHMORE

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1

2

KELLY L. BRYSON,

3

called as a witness, having been

4

first duly sworn by the Notary

5

Public (Gail F. Schorr), was

6

examined and testified as follows:

7

EXAMINATION BY MR. HERBST:

11:15:01

8

Q. Good morning, Ms. Bryson.

11:15:01

9

A. Good morning.

11:16:17

10

Q. My name is Herbst, and I

11:16:18

11

represent Mr. Ashmore who's here. Do you

11:16:19

12

recognize him?

11:16:23

13

A. No.

11:16:23

14

Q. You never met him?

11:16:24

15

A. I don't think so.

11:16:25

16

Q. So I'm going to ask you a

11:16:26

17

series of questions today. If at any

11:16:30

18

time you haven't heard the question fully

11:16:32

19

just ask me to repeat it.

11:16:35

20

A. Okay.

11:16:36

21

Q. If at any time you haven't

11:16:37

22

understood the question, let me know,

11:16:39

23

I'll try to repeat it or restate it.

11:16:40

24

Okay?

11:16:43

25

A. Yes.

11:16:44

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2 Q. If you don't, then we will 11:16:44  
3 assume that you have heard and understood 11:16:52  
4 the question. 11:16:55

5 A. Okay. 11:16:55

6 MR. KLEIN: Before, I just 11:16:59  
7 want to put on the record, before 11:17:00  
8 Mr. Herbst gets into his 11:17:02  
9 questioning, Ms. Bryson is being 11:17:04  
10 produced as -- excuse me. 11:17:07

11 MR. HERBST: We'll state on 11:17:35  
12 the record, we're going to 11:17:36  
13 interrupt Ms. Bryson's deposition 11:17:37  
14 to take Mr. Yashchin's deposition. 11:17:40

15 (Recess taken: 11:18 a.m.) 11:18:07

16 (Whereupon the deposition 11:57:29  
17 resumed at 12:15 p.m.) 11:57:35

18 KELLY L. BRYSON,  
19 resumed, having been previously  
20 duly sworn, was examined and  
21 testified further as follows:

22 CONTINUED EXAMINATION

23 BY MR. HERBST: 12:15:06

24 Q. Ms. Bryson, you recognize 12:15:06  
25 you're still under oath? 12:16:25

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2 A. Okay. 12:16:26

3 Q. Now, what's your date of 12:16:27  
4 birth? 12:16:32

5 A. April 26th, 1980. 12:16:32

6 MR. KLEIN: Just before we 12:16:36  
7 started, and I think this is where 12:16:37  
8 I got cut off when the other 12:16:39  
9 witness arrived, I just want to put 12:16:40  
10 on the record that Ms. Bryson is 12:16:42  
11 here pursuant to a very limited 12:16:44  
12 30(b)(6) deposition notice and that 12:16:46  
13 it is CGI's position that Judge 12:16:49  
14 Cott specifically laid out the 12:16:53  
15 scope of what is and is not 12:16:54  
16 permissible during Ms. Bryson's 12:16:57  
17 deposition. 12:17:00

18 MR. HERBST: That is CGI's 12:17:09  
19 position and I'm not going to waste 12:17:11  
20 time commenting further. 12:17:13

21 Q. How far did you go in school? 12:17:15

22 A. I have a Bachelor's degree and 12:17:24  
23 some additional graduate course work. 12:17:27

24 Q. And a Bachelor's degree in 12:17:29  
25 what? 12:17:32

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2 A. Environmental and business 12:17:32

3 economics. 12:17:33

4 Q. What year did you get that? 12:17:34

5 A. 2002. 12:17:44

6 Q. Just in terms of the work 12:17:45

7 history after you got that degree, did 12:17:46

8 you go to work? 12:17:48

9 A. Yes. 12:17:48

10 Q. Where? 12:17:49

11 A. My first employment was 12:17:50

12 through a temp agency at -- well, through 12:17:53

13 a temp agency, but I worked for 12:17:56

14 PricewaterhouseCoopers. 12:17:59

15 Q. In what part of that company? 12:17:59

16 A. What was their consulting 12:18:02

17 practice at the time, their government 12:18:04

18 consulting practice at the time. 12:18:11

19 Q. And where did you get your 12:18:12

20 degree? Where did you go to college? 12:18:16

21 A. Rutgers. 12:18:17

22 Q. Just briefly, where were you 12:18:23

23 born and raised? 12:18:25

24 A. Cumberland County, New Jersey. 12:18:26

25 Q. How long did you work in the 12:18:30



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2 consulting practice as a temp at

12:18:32

3 Pricewaterhouse?

12:18:37

4 MR. KLEIN: Object to the

12:18:39

5 form. I don't think she testified

12:18:41

6 she was a temp.

12:18:41

7 A. I was ultimately there for

12:18:41

8 about a year.

12:18:46

9 Q. And then what?

12:18:47

10 A. Then I worked for a few months

12:18:49

11 at America Online. I worked two years at

12:18:51

12 Accenture. I worked a year at Booz-Allen

12:18:54

13 & Hamilton. And then in 2006 I was hired

12:19:00

14 at CGI and I have been there since.

12:19:03

15 Q. At AOL in the few months you

12:19:04

16 were there what did you do?

12:19:14

17 A. Just kind of generic financial

12:19:15

18 analysis, trend analysis.

12:19:16

19 Q. And at Accenture what did you

12:19:19

20 do?

12:19:27

21 A. More government consulting.

12:19:27

22 Q. What was your compensation at

12:19:30

23 Accenture, approximately?

12:19:32

24 A. I think I started in the low

12:19:34

25 forties and left there in the low

12:19:40

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2 sixties.

12:19:42

3 Q. And Booz Allen, how long did  
4 you work there?

12:19:44

12:19:49

5 A. One year.

12:19:49

6 Q. And what was your compensation  
7 there?

12:19:50

12:19:52

8 A. In the mid-sixties.

12:19:52

9 Q. And what did you do there?

12:19:58

10 A. Consulting, government  
11 consulting.

12:19:59

12:20:01

12 Q. Then you went to work for  
13 whom?

12:20:04

12:20:07

14 A. CGI.

12:20:08

15 Q. As what?

12:20:08

16 A. I started as a, I guess you  
17 would call it a project controller.

12:20:09

12:20:14

18 Q. In what part of the company?

12:20:19

19 A. The government consulting  
20 practice.

12:20:21

12:20:22

21 Q. Where were you based?

12:20:26

22 A. Fairfax, Virginia.

12:20:27

23 Q. And do you continue to be  
24 based in Fairfax?

12:20:28

12:20:30

25 A. I was based in Fairfax,

12:20:31

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2 Virginia, up until the summer of 2011 12:20:32

3 when I relocated to Baltimore. Now I 12:20:36

4 primarily work from home, but I guess I'm 12:20:43

5 still technically based in Fairfax. 12:20:45

6 Q. When you say Baltimore, was 12:20:49

7 that in the CGI offices in Baltimore? 12:20:58

8 A. No. 12:21:02

9 Q. It was at home? 12:21:02

10 A. Yes. 12:21:03

11 Q. I forgot to ask you. What's 12:21:03

12 your home address? 12:21:06

13 A. 12 Meridian Lane and that's 12:21:07

14 Towson, Maryland 21286. 12:21:19

15 Q. And how long did you stay in 12:21:23

16 the government consulting practice at 12:21:30

17 CGI? Are we talking CGI Federal at that 12:21:33

18 point? 12:21:36

19 A. Yes. 12:21:36

20 Q. How long? 12:21:37

21 A. I probably stayed in that role 12:21:38

22 for two or three years before I moved 12:21:40

23 into doing financial and management 12:21:43

24 planning full time, pricing. 12:21:46

25 Q. You said something about 12:22:04

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2 pricing? 12:22:06

3 A. Right, pricing has pretty much 12:22:07  
4 always been a part of my job and then I 12:22:10  
5 think in 2011 I became a pricing manager 12:22:13  
6 at which point that became my full time 12:22:17  
7 position. 12:22:20

8 Q. So what was your title, what 12:22:30  
9 was your position in 2009/2010? 12:22:32

10 A. We don't -- we're not a very 12:22:37  
11 position title oriented company. But my 12:22:39  
12 official CGI title was consultant and 12:22:43  
13 then senior consultant. 12:22:46

14 Q. What was your compensation in 12:22:55  
15 -- so you went from consultant to senior 12:22:57  
16 consultant in that period of '09 and '10? 12:23:01

17 A. Yes, it might have been '09, 12:23:05  
18 2010. 12:23:07

19 Q. So what was your compensation 12:23:08  
20 as a consultant? 12:23:10

21 A. 75-ish. 12:23:13

22 Q. And as a senior consultant? 12:23:15

23 A. Well, you don't -- we don't 12:23:17  
24 get raises based on title promotion, but 12:23:19  
25 I would assume at that point I was making 12:23:22

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2 mid-eighties.

12:23:24

3 Q. So what accounted for the  
4 raise if it wasn't the promotion?

12:23:26

12:23:32

5 A. Annual merit.

12:23:33

6 Q. You went from senior  
7 consultant to pricing manager?

12:23:44

12:23:45

8 A. Yes, and I received a title,  
9 an actual title promotion I guess it was  
10 the beginning of 2013.

12:23:48

12:23:50

12:23:55

11 Q. Oh. So you became pricing  
12 manager in 2011 but you didn't receive a  
13 title promotion raise until 2013?

12:23:59

12:24:01

12:24:04

14 A. Well title promotion, title  
15 promotion till 2013. I mean you get  
16 generally a raise every year in the part  
17 of the annual process. But they're not,  
18 they're not tied together.

12:24:07

12:24:11

12:24:13

12:24:17

12:24:19

19 Q. So in 2011 what was your  
20 compensation, approximately?

12:24:20

12:24:27

21 A. 90, 98, 100, right around  
22 there.

12:24:30

12:24:35

23 Q. And in 2012?

12:24:35

24 A. 105.

12:24:40

25 Q. And 2013?

12:24:45

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2 (Instruction not to answer.)

12:24:48

3 MR. KLEIN: I'm going to have

12:24:48

4 her refuse to answer questions

12:24:50

5 about her further compensation.

12:24:53

6 MR. HERBST: Why is that?

12:24:55

7 It's relevant.

12:24:57

8 MR. KLEIN: No, it's not

12:24:57

9 relevant. The scope of her

12:24:59

10 deposition is to how the bids in

12:25:00

11 Exhibit 18 or the prices in Exhibit

12:25:02

12 18 were derived. What Ms. Bryson's

12:25:03

13 compensation was in 2013, two years

12:25:06

14 after Mr. Ashmore, actually three

12:25:09

15 years after Mr. Ashmore was

12:25:13

16 terminated is not relevant,

12:25:15

17 especially in light of the fact

12:25:17

18 that the judge was very careful as

12:25:18

19 requiring what, if any,

12:25:22

20 compensation information CGI was

12:25:24

21 required to produce.

12:25:26

22 Therefore, I'm going to direct

12:25:26

23 Ms. Bryson not to answer any

12:25:29

24 further questions regarding her

12:25:30

25 salary.

12:25:31

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2 MR. HERBST: I think it goes 12:25:32

3 to potential bias and credibility. 12:25:33

4 She's a witness testifying today. 12:25:36

5 I think I'm entitled to know what 12:25:38

6 her current compensation is. 12:25:40

7 Q. What is your current 12:25:42

8 compensation? 12:25:43

9 (Instruction not to answer.) 12:25:44

10 MR. KLEIN: I direct you not 12:25:44

11 to answer that question. 12:25:45

12 MR. HERBST: Will you mark 12:25:52

13 those two questions for a ruling, 12:25:53

14 please. 12:25:55

15 Q. In 2009 and 2010, when your 12:26:18

16 salary was 75,000, or -- was it your 12:26:22

17 salary or compensation 75,000? 12:26:25

18 MR. KLEIN: Object to the 12:26:29

19 form. You can answer if you can 12:26:30

20 understand. 12:26:31

21 A. I don't recall exactly when my 12:26:33

22 salary was 75,000. It was in the 2008 to 12:26:36

23 2009 range. I would sometimes receive 12:26:42

24 additional compensation, but that was 12:26:49

25 variable year to year. 12:26:51

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2 Q. And what form would that 12:26:53  
3 additional compensation be when you got 12:26:55  
4 it? 12:26:57

5 A. In the -- since I have been at 12:26:57  
6 CGI I have received both profit 12:27:00  
7 participation and commission. 12:27:02

8 Q. How was your profit 12:27:09  
9 participation calculated? 12:27:11

10 A. It's calculated based on the 12:27:12  
11 business unit you reside in upon their 12:27:14  
12 business results. 12:27:17

13 Q. And how is your commission 12:27:17  
14 calculated? 12:27:23

15 A. It's at management discretion. 12:27:24

16 Q. Is there a percentage 12:27:26  
17 commission? 12:27:28

18 A. It's all management 12:27:29  
19 discretion. I don't -- I believe there's 12:27:33  
20 a percentage set aside and then 12:27:37  
21 management decides how that percentage is 12:27:40  
22 allocated amongst the team that they were 12:27:44  
23 deciding to give commission to. 12:27:48

24 Q. So in the year 2009 did you 12:27:51  
25 get a profit participation? 12:27:52



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2 A. I believe so. 12:27:54

3 Q. Approximately how much? 12:28:00

4 A. I want to say in the \$3,000 12:28:02

5 range, but I'm not certain. 12:28:08

6 Q. And commission, did you get a 12:28:10

7 commission? 12:28:11

8 A. No. 12:28:14

9 Q. How about 2010, did you get 12:28:14

10 profit participation? 12:28:16

11 A. Yes. 12:28:17

12 Q. Approximately how much? 12:28:17

13 A. I don't recall. Likely in the 12:28:18

14 same neighborhood. 12:28:21

15 Q. And commission? 12:28:22

16 A. I received some commission in 12:28:24

17 2010. Actually, it was probably 2011 and 12:28:27

18 2012. 12:28:31

19 Q. How much? 12:28:32

20 (Instruction not to answer.) 12:28:34

21 MR. KLEIN: I'm going to, once 12:28:34

22 again, going to object to anything 12:28:35

23 that goes to the 2010 time period 12:28:38

24 for anything related to Ms. 12:28:39

25 Bryson's salary consistent with the 12:28:41

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2 court order. And my further 12:28:43

3 recollection is is that the salary 12:28:45

4 information that CGI was required 12:28:46

5 to produce was only in the 12:28:47

6 2009/2010 time period. 12:28:51

7 MR. HERBST: Again, this is 12:28:52

8 the witness testifying. She's 12:28:53

9 already testified to her 12:28:55

10 compensation in 2011 and 2012. So 12:28:56

11 I think I'm entitled to ask. 12:28:58

12 MR. KLEIN: I'm going to 12:29:01

13 direct her not to answer. 12:29:02

14 MR. HERBST: Mark that for a 12:29:04

15 ruling. 12:29:05

16 Q. Whenever it was you testified 12:29:06

17 you -- withdrawn. 12:29:13

18 Was your commission tied to 12:29:22

19 sales when you got it? 12:29:23

20 A. It was tied to a winning 12:29:24

21 opportunity, yes. 12:29:32

22 Q. To a what opportunity? 12:29:33

23 A. A winning opportunity. 12:29:34

24 Q. A winning opportunity? 12:29:35

25 A. Yes. 12:29:37

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2 Q. That you participated in? 12:29:37

3 A. Yes. 12:29:38

4 Q. And it came about because of 12:29:39

5 your efforts? 12:29:40

6 A. Yes. 12:29:41

7 Q. What opportunity was that? 12:29:41

8 A. There were several. The only 12:29:42

9 two that I can remember the name of was 12:29:54

10 there was a US courts opportunity and 12:29:56

11 there was an opportunity at the U.S. 12:29:58

12 Treasury Department. 12:30:01

13 MR. HERBST: Let the record 12:30:17

14 reflect that Mr. Klein whispered 12:30:18

15 something to the witness. 12:30:28

16 MR. KLEIN: Let the record 12:30:29

17 reflect throughout the deposition 12:30:30

18 Mr. Ashmore is whispering things to 12:30:31

19 Mr. Herbst as well. 12:30:35

20 Q. How much did the US courts 12:30:46

21 opportunity produce for CGI? 12:30:48

22 A. I don't know. 12:30:50

23 MR. KLEIN: I'm going to 12:30:51

24 object, and once again, I'm going 12:30:52

25 to have anything unrelated to the 12:30:53

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2 scope of this deposition Ms. Bryson 12:30:55

3 is not going to answer. I don't 12:30:58

4 see what this has to do with the 12:30:59

5 limited scope of the 30(b)(6) 12:31:01

6 deposition that Judge Cott ordered 12:31:02

7 remember. 12:31:08

8 MR. HERBST: Did you get the 12:31:09

9 answer? 12:31:10

10 THE REPORTER: She said I 12:31:11

11 don't know. 12:31:12

12 Q. Do you know how much the US 12:31:12

13 Treasury opportunity produced? 12:31:14

14 (Instruction not to answer.) 12:31:16

15 MR. KLEIN: Same objection, 12:31:16

16 I'm going to direct the witness not 12:31:17

17 to answer the question. 12:31:19

18 MR. HERBST: Mark that for a 12:31:21

19 ruling. 12:31:22

20 Q. When did you learn that you 12:31:41

21 would be asked to testify in this case? 12:31:43

22 A. Earlier in the calendar year. 12:31:45

23 I don't recall the exact date. 12:31:50

24 Q. Can you tell us approximately 12:31:51

25 what month? 12:31:53

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2 A. April-ish. 12:31:53

3 Q. Since April who have you 12:31:57

4 consulted about your testimony or with 12:32:00

5 respect to your testimony? 12:32:05

6 A. Mr. Klein and Ms., is it Ms. 12:32:06

7 Homes? 12:32:10

8 MR. KLEIN: Helms. 12:32:11

9 A. Helms. 12:32:13

10 MR. KLEIN: Once again, the 12:32:13

11 conversations that you've had with 12:32:15

12 me and Ms. Helms are privileged 12:32:15

13 communications. 12:32:17

14 MR. HERBST: Why don't you 12:32:18

15 wait for the question. 12:32:19

16 Q. Approximately how many 12:32:20

17 conversations have you had with Mr. Klein 12:32:21

18 about this? 12:32:24

19 A. Maybe a half dozen. 12:32:26

20 Q. How many with Ms. Helms? 12:32:28

21 A. Fewer. They were all -- she 12:32:32

22 was either joining Mr. Klein and I or not 12:32:35

23 present. So less than, I don't know, 12:32:38

24 maybe three or four, maybe not even that 12:32:41

25 many. 12:32:43

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2 Q. Other than Mr. Klein and Ms. 12:32:44

3 Helms, have you talked to anyone else 12:32:57

4 about your testimony? 12:32:59

5 A. No. 12:33:00

6 Q. Approximately how long was the 12:33:00

7 first of the six meetings that you had? 12:33:07

8 Was it a meeting or a telephone 12:33:09

9 conversation? 12:33:11

10 A. Telephone conversation. 12:33:11

11 Q. How long was the first one? 12:33:12

12 A. Maybe 30 minutes. 12:33:15

13 Q. And the second, was it a 12:33:21

14 telephone conversation or a meeting? 12:33:23

15 A. Telephone conversation. 12:33:24

16 Q. How long? 12:33:25

17 A. Probably in the same range, 30 12:33:27

18 minutes. 12:33:29

19 Q. And the third conversation, 12:33:35

20 telephone or in person? 12:33:36

21 A. Telephone. I would say 12:33:37

22 approximately 30 minutes. I'm also not 12:33:40

23 sure about the six meetings. I know we 12:33:43

24 had one meeting that was about an hour, 12:33:45

25 an hour and a half, but in general our 12:33:48

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2 meetings have been 30 minutes or less. 12:33:50

3 MR. KLEIN: Let the record 12:33:55

4 reflect today was the first time I 12:33:56

5 met Ms. Bryson in person. 12:33:58

6 MR. HERBST: Would you read 12:34:16

7 back the answer. 12:34:17

8 (Record read as requested.) 12:34:18

9 Q. Approximately when was that 12:34:18

10 meeting for the hour, hour and a half? 12:34:20

11 A. Early summer, maybe May, June. 12:34:22

12 It was prior to when we thought I would 12:34:30

13 be here originally. 12:34:34

14 Q. And where was that meeting? 12:34:36

15 A. It was a telecon. I mean I 12:34:40

16 took it from my home. 12:34:43

17 Q. Did you take all of these 12:34:46

18 meetings from your home? 12:34:47

19 A. Yes. 12:34:48

20 Q. And after that hour and a half 12:34:53

21 meeting what additional meetings did you 12:35:05

22 have, or telecons? 12:35:08

23 A. I think we've talked maybe 12:35:10

24 twice more and just to let me know that 12:35:12

25 it was still happening. 12:35:16

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2 Q. Did you have a substantive 12:35:19  
3 discussion? 12:35:21

4 A. I would say two 30 minute 12:35:24  
5 meetings. 12:35:27

6 Q. When was the last one? 12:35:29

7 A. Yesterday. 12:35:31

8 Q. And when was the one before 12:35:32  
9 that? 12:35:33

10 A. Last week. 12:35:33

11 Q. And the one before that? 12:35:38

12 A. I don't recall. 12:35:39

13 Q. Have you reviewed any 12:35:42  
14 documents in preparation? 12:35:54

15 A. Yes. 12:35:57

16 Q. What documents have you looked 12:35:57  
17 at? 12:35:59

18 A. The proposal files, some of 12:36:00  
19 the email correspondence I believe you 12:36:04  
20 have hard copies of, and the rate 12:36:07  
21 worksheets. 12:36:09

22 Q. Anything else? 12:36:12

23 A. Also indirect rate calculation 12:36:18  
24 workbook. I believe that's it. 12:36:23

25 Q. What are the document proposal 12:36:38



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2 files? What are they? 12:36:39

3 A. Those would be the files that 12:36:41

4 we shared with our prime and/or that they 12:36:43

5 shared with us. 12:36:48

6 Q. How extensive are those files? 12:36:59

7 A. Not very. 12:37:02

8 Q. Are they on the computer? 12:37:03

9 A. Yes. 12:37:04

10 Q. When you say not very? 12:37:11

11 A. I would say less than 20 pages 12:37:13

12 total. 12:37:17

13 Q. Was that with respect to a 12:37:25

14 particular proposal or proposals? 12:37:29

15 MR. KLEIN: Object to the 12:37:32

16 form. 12:37:33

17 A. It was with respect to the 12:37:33

18 opportunity that this deposition is 12:37:37

19 referencing, the HUD opportunity. 12:37:40

20 Q. And the email correspondence, 12:37:46

21 what email correspondence did you review? 12:37:52

22 A. It was the email 12:37:54

23 correspondence that was tying up and 12:37:56

24 receiving internal approval for this 12:37:59

25 opportunity. 12:38:02

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2 Q. And how extensive -- was that 12:38:09

3 all in a file? 12:38:21

4 MR. KLEIN: Object to the 12:38:23

5 form. 12:38:24

6 Q. An electronic file that you 12:38:25

7 consulted? 12:38:27

8 MR. KLEIN: Object to the 12:38:27

9 form. 12:38:28

10 A. Yes. 12:38:29

11 Q. How extensive was that file? 12:38:29

12 A. Three to four pages. 12:38:31

13 Q. All right. And what are the 12:38:34

14 rate worksheets? 12:38:37

15 A. Those are the worksheets that 12:38:38

16 I used to calculate the rates for the HUD 12:38:40

17 opportunity. 12:38:45

18 Q. How many pages approximately 12:39:09

19 was that? 12:39:10

20 A. Well it's two tabs in an Excel 12:39:11

21 workbook. You could print it out in 12:39:16

22 probably as many or few pages as your ICE 12:39:18

23 could tolerate. 12:39:21

24 MR. HERBST: Could you read 12:39:29

25 that back. 12:39:30

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2 (Record read as requested.) 12:39:31

3 Q. The indirect rate calculation 12:39:37  
4 workbook, what is that workbook, indirect 12:39:54  
5 rate calculation workbook? 12:39:58

6 A. That's a workbook that we used 12:40:00  
7 to calculate indirect rates for that 12:40:02  
8 fiscal year for submission to the 12:40:05  
9 government. 12:40:07

10 MR. HERBST: Repeat that. 12:40:23

11 (Record read as requested.) 12:40:25

12 Q. And how extensive was that 12:40:36  
13 workbook? 12:40:38

14 A. There are many tabs in it. I 12:40:38  
15 would -- greater than a dozen tabs. How 12:40:41  
16 many pages it may print out to I have no 12:40:46  
17 idea. 12:40:48

18 Q. Can you give us an estimate? 12:40:48  
19 I won't hold you to it, but approximately 12:40:51  
20 how many pages? 12:40:53

21 A. Gosh, if you printed it out in 12:40:54  
22 its entirety, maybe 30, 40 pages. 12:41:00

23 Q. And that was also for the same 12:41:08  
24 opportunity, this HUD opportunity? 12:41:13

25 A. Yes. 12:41:14

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2 Q. Now, which HUD opportunity was 12:41:15

3 it? 12:41:17

4 A. My files call it eBuy. It may 12:41:18

5 go by different names. 12:41:24

6 Q. Spell that, please. 12:41:26

7 A. Little E, capital B-u-y. 12:41:27

8 Q. Sorry, E capital B? 12:41:32

9 A. u-y. 12:41:35

10 Q. eBuy? 12:41:36

11 A. Yes. 12:41:39

12 Q. Were you aware that there were 12:41:39

13 two HUD opportunities at that time? 12:41:41

14 MR. KLEIN: Object to the 12:41:43

15 form. 12:41:44

16 A. I don't recall that now if I 12:41:44

17 was. 12:41:48

18 Q. But if there were two HUD 12:41:48

19 opportunities would you have been the 12:41:50

20 person involved in preparing these 12:41:51

21 sheets? 12:41:55

22 A. Most likely, yes. 12:41:55

23 Q. What are your duties -- what 12:41:56

24 were your duties and responsibilities in 12:41:59

25 2009 and 2010 with respect to 12:42:02

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2 opportunities like this HUD opportunity? 12:42:05

3 A. Primarily development of 12:42:08

4 rates, participation in cost narratives, 12:42:13

5 and generation of profit and loss 12:42:17

6 statements or estimates. 12:42:21

7 Q. What is a cost narrative or 12:42:52

8 narratives? 12:42:55

9 A. Cost narrative? 12:42:56

10 Q. Yes. 12:42:58

11 A. That's the document that 12:42:58

12 describes our method -- well, it 12:43:00

13 describes our methodology for developing 12:43:04

14 our rates and it contains price or cost 12:43:06

15 information, but they're highly variable 12:43:12

16 depending on the requirement of the 12:43:15

17 specific solicitation. 12:43:18

18 Q. Now, all the documents you 12:43:32

19 consulted, did you turn them over to Mr. 12:43:33

20 Klein or Ms. Helms? 12:43:35

21 A. He has them, yes. 12:43:37

22 Q. He does, okay. 12:43:38

23 MR. HERBST: Have they all 12:43:42

24 been produced, everything she 12:43:43

25 testified she consulted? 12:43:44

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2 MR. KLEIN: I don't know all 12:43:46

3 the tabs that she's referring to. 12:43:49

4 We produced the documents that 12:43:50

5 assist in providing answers to the 12:43:52

6 questions that we maintain are 12:43:54

7 within the scope of the 30(b)(6) 12:43:57

8 deposition. 12:43:58

9 MR. HERBST: I will request 12:44:00

10 the documents that she says she 12:44:02

11 consulted for the deposition and if 12:44:04

12 you'd mark that as a request, 12:44:10

13 that's our first request. 12:44:11

14 (Request made.) 12:44:11

15 Q. Other than these documents you 12:44:29

16 just described to us, have you reviewed, 12:44:30

17 looked at or consulted any other 12:44:33

18 documentation in preparation for your 12:44:35

19 testimony? 12:44:36

20 A. I don't believe so. 12:44:36

21 (Plaintiff's Exhibit 17,

22 previously marked and shown to

23 witness.)

24 (Plaintiff's Exhibit 18,

25 previously marked and shown to

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2 witness.)

12:45:15

3 Q. So I'd like to show you what

12:45:15

4 has been marked as plaintiffs's Exhibit

12:45:17

5 17, dated 11/12/13, which is probably the

12:45:20

6 date of the deposition in which it was

12:45:24

7 marked. And Plaintiffs' Exhibit 18 which

12:45:26

8 bears -- I'm sorry, that's 6/12/13 is the

12:45:29

9 date, not 11 or 12.

12:45:33

10 So the first question is have

12:46:21

11 you -- let's take 17. Have you seen that

12:46:22

12 document before?

12:46:27

13 A. I don't believe so. In

12:46:27

14 looking at page 2, it looks like I was

12:46:31

15 not involved in the opportunity.

12:46:37

16 Q. So your answer is you don't

12:46:54

17 believe you've seen that document before?

12:46:56

18 A. I don't recognize this, no.

12:46:57

19 Q. Now, just looking at the

12:47:15

20 document can you tell us what it is, what

12:47:16

21 that document is?

12:47:19

22 A. This is a template that we

12:47:21

23 used at the time for our executive

12:47:25

24 briefing process to receive approval to

12:47:29

25 submit opportunity to the government, our

12:47:33

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2 proposal to the government.

12:47:39

3 MR. KLEIN: Mr. Herbst, I'm

12:47:42

4 just going to put on the record I'm

12:47:44

5 going to give you very limited

12:47:45

6 leeway with this document. I

12:47:47

7 maintain, as Judge Cott said in his

12:47:49

8 August 26th, 2014 order, that the

12:47:51

9 court ruled at the April hearing

12:47:52

10 that plaintiff could take a, quote,

12:47:54

11 unquote, very limited 30(b)(6)

12:47:57

12 deposition in order to unpack what

12:47:58

13 Exhibit 18 really means. We're

12:47:59

14 talking about Exhibit 17, but I'll

12:48:01

15 give you a little bit of leeway

12:48:03

16 especially since Ms. Bryson said

12:48:05

17 she doesn't believe she was even on

12:48:06

18 this opportunity.

12:48:09

19 MR. HERBST: I don't agree

12:48:11

20 with the characterization, but I'm

12:48:13

21 not going to debate it here. We

12:48:16

22 all know who lost that motion.

12:48:18

23 Q. Now you mentioned this was

12:48:20

24 used in the executive briefing process;

12:48:41

25 is that right?

12:48:44



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2 A. Yes.

12:48:44

3 Q. Is that also called an  
4 executive step review process?

12:48:46

12:48:49

5 A. Yes.

12:48:49

6 Q. What is the purpose of the  
7 document?

12:49:00

12:49:01

8 A. The purpose of the document,

12:49:01

9 to my understanding, is to provide a

12:49:04

10 briefing to the executive team of what

12:49:09

11 the opportunity is, any risks that we may

12:49:11

12 need to be aware of, overview of the

12:49:18

13 profit and loss. It's generally

12:49:23

14 considered to be the, a gate review, if

12:49:28

15 you will, before submitting a proposal to

12:49:31

16 the government to receive approval to

12:49:33

17 submit.

12:49:36

18 MR. KLEIN: Mr. Herbst, you're

12:49:38

19 running close to that line where

12:49:40

20 I'm going to ask the witness not to

12:49:42

21 answer, I want to give you the

12:49:43

22 heads up.

12:49:46

23 Q. Is the pricing function that

12:49:47

24 you testified is a part of your duties

12:49:50

25 and responsibilities, is that involved in

12:49:53

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2 this executive step review process? 12:49:56

3 A. Yes, we have a portion of it. 12:49:59

4 Q. So would you please explain 12:50:01

5 how the process works? 12:50:02

6 MR. KLEIN: Object to the 12:50:06

7 form. You can answer. You're 12:50:07

8 talking generally? 12:50:09

9 MR. HERBST: Yes. 12:50:10

10 THE WITNESS: You said I can 12:50:12

11 answer? 12:50:13

12 MR. KLEIN: You can answer. 12:50:13

13 He said generally how -- what's the 12:50:14

14 question? 12:50:16

15 Q. Generally how the process 12:50:17

16 works? 12:50:19

17 A. Generally how the process 12:50:19

18 works is an opportunity team will receive 12:50:21

19 a request for proposal from the 12:50:26

20 government. They will work on a 12:50:28

21 solution. They will pull in other groups 12:50:30

22 within CGI as necessary, such as pricing, 12:50:33

23 legal, HR. Several days to a week before 12:50:37

24 the due date of the proposal they will 12:50:43

25 hold this executive step review or step C 12:50:46

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2 review, to brief the executives and 12:50:50

3 receive final approval to submit. 12:50:54

4 Q. Is it true that essentially 12:50:59

5 there were five steps to this process? 12:51:01

6 (Instruction not to answer.) 12:51:03

7 MR. KLEIN: I'm going to 12:51:03

8 object and direct her not to 12:51:05

9 answer. This is not a deposition 12:51:07

10 about the step review process. 12:51:08

11 This is about how rates were 12:51:10

12 calculated. 12:51:11

13 MR. HERBST: But this is in my 12:51:12

14 view a necessary predicate to how 12:51:14

15 the rates are calculated. And 3, 4 12:51:16

16 and 5 are the documents that you, 12:51:41

17 the topics that you agreed to which 12:51:44

18 includes all information contained 12:51:46

19 in Plaintiff's Exhibit 17 and 18 12:51:48

20 and the specific components of that 12:51:51

21 information. 12:51:53

22 MR. KLEIN: I disagree with 12:52:00

23 your characterization as to what 12:52:02

24 CGI agreed to produce and not 12:52:04

25 produce. This issue was subject to 12:52:06

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2 recent briefing in letter briefs to 12:52:08  
3 the judge, Judge Cott, and Judge 12:52:10  
4 Cott in his decision on page 5 12:52:13  
5 said, the court ruled at the April 12:52:16  
6 hearing that plaintiff could take 12:52:18  
7 a, quote, unquote, very limited, 12:52:19  
8 end quote, 30(b)(6) deposition in 12:52:22  
9 order to unpack what Exhibit 18 12:52:24  
10 really means and how the numbers 12:52:26  
11 represented therein are calculated. 12:52:28

12 MR. HERBST: You're missing 12:52:32  
13 the line where he says, Plaintiff's 12:52:33  
14 application regarding the scope of 12:52:35  
15 the deposition is except as to 12:52:37  
16 topics to 3, 4 and 5 to which you 12:52:42  
17 did not object. And 5 says only 12:52:44  
18 information contained in 12:52:47  
19 Plaintiff's Exhibit 17 and 18 and 12:52:48  
20 the specific components of that 12:52:49  
21 information, how such information 12:52:51  
22 component is and was generated and 12:52:53  
23 calculated, including, without 12:52:54  
24 limitation, the categories of 12:52:56  
25 direct, indirect labor costs, 12:52:58

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2 overhead, profit or other metric in 12:53:00

3 the hourly rates listed in 12:53:03

4 Plaintiff's Exhibit 17 and 18 and 12:53:05

5 it goes on, and it goes on. 12:53:08

6 So you are in our view 12:53:10

7 unwarrantedly taking a too narrow 12:53:19

8 view of the ruling. 12:53:26

9 MR. KLEIN: I will give you 12:53:28

10 limited leeway to ask Ms. Bryson 12:53:29

11 some questions, but the focus of 12:53:31

12 her deposition is how the essential 12:53:33

13 rates in Exhibit 18 were derived. 12:53:35

14 To the extent you're talking about 12:53:39

15 generic step review information, I 12:53:40

16 have no clue that the witness has 12:53:42

17 knowledge of these questions, but 12:53:46

18 to the extent that the focus and 12:53:48

19 the purpose behind your questions 12:53:49

20 is to understand how the prices are 12:53:51

21 derived, I will allow that. But to 12:53:53

22 the extent it's a fishing 12:53:54

23 expedition to ask about step 12:53:56

24 reviews which we opposed and which 12:53:57

25 the court agreed with, we refuse to 12:53:59

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2 allow her to answer those 12:54:02

3 questions. 12:54:03

4 MR. HERBST: I'll just 12:54:04

5 indicate to you that at page 57 of 12:54:06

6 the hearing transcript before Judge 12:54:10

7 Cott he also said that with respect 12:54:13

8 to Exhibit 17 there must be someone 12:54:16

9 who could articulate that, whether 12:54:20

10 it's driven by a deposition and so 12:54:24

11 forth, we can explain it in the 12:54:26

12 form of Exhibit 17. 12:54:28

13 So I intend to ask the 12:54:29

14 questions and if you, you know, you 12:54:33

15 can instruct the witness not to 12:54:37

16 answer, but I don't -- but I will 12:54:38

17 follow up and get these questions 12:54:41

18 answered with respect to number 5. 12:54:46

19 MR. KLEIN: Just to read 12:54:49

20 further, if we're going to be 12:54:51

21 reading transcripts, later in the 12:54:52

22 transcript on that same day, Judge 12:54:55

23 Cott at page 66 said "Here is what 12:54:57

24 we are going to do, gentlemen, I am 12:55:00

25 going to allow Mr. Herbst if he 12:55:03

1	KELLY L. BRYSON	
2	wishes to take a 30(b)(6)	12:55:04
3	deposition so that he can unpack	12:55:06
4	what this chart in Exhibit 18	12:55:07
5	really means and how these numbers	12:55:09
6	are calculated from CGI's	12:55:11
7	perspective."	12:55:14
8	MR. HERBST: That's fine. But	12:55:14
9	we're entitled to pursue topic 5,	12:55:16
10	all the information contained in	12:55:18
11	Exhibit 17. So what was the last	12:55:21
12	question?	12:55:24
13	(Record read as requested.)	12:55:25
14	MR. KLEIN: To the extent that	12:55:39
15	you know I'm going to give you a	12:55:41
16	limited leeway.	12:55:42
17	A. Yes, there are steps A through	12:55:43
18	E.	12:55:45
19	Q. And what is A?	12:55:45
20	A. That is a bid/no bid review.	12:55:49
21	Actually, sorry, I take that back. That	12:55:54
22	is a -- is a -- that is the review at	12:55:57
23	which we've identified an opportunity and	12:56:06
24	we put initial resources toward vetting	12:56:09
25	the opportunity. It's an opportunity of	12:56:14

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2 vetting review. 12:56:16

3 Q. So basically it's the 12:56:17

4 beginning of the pursuit of a potential 12:56:19

5 opportunity, right? 12:56:21

6 A. Yes, yes. 12:56:22

7 Q. And B? 12:56:22

8 A. B is typically held once an 12:56:23

9 RFP or other solicitation is received 12:56:26

10 from the government and that is the point 12:56:29

11 at which we decide definitively to commit 12:56:31

12 resources to pursue the opportunity. 12:56:34

13 Q. And C? 12:56:36

14 A. Is the point at which we've 12:56:38

15 done the solutioning, we are imminently 12:56:40

16 prepared to submit the proposal and it's 12:56:44

17 a final gate check before submission. 12:56:46

18 Q. Of the bid? 12:56:49

19 A. Yes. 12:56:49

20 Q. And D? 12:56:50

21 A. D is honestly not held very 12:56:51

22 often. It's considered a negotiation 12:56:56

23 step if necessary. A lot of times it's 12:56:59

24 not applicable. 12:57:03

25 Q. Is it fair to say that that's 12:57:03



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2 a step that considers whether to enter 12:57:05  
3 into negotiations with the client after 12:57:07  
4 the bid is submitted? 12:57:09

5 A. Yes. 12:57:10

6 Q. And E? 12:57:10

7 A. E is contract signing. 12:57:11

8 Q. Now what role do you have in 12:57:13  
9 each of those five steps? Let me ask you 12:57:17  
10 something just so we can get the 12:57:22  
11 groundrules straight. 12:57:24

12 Did the role that you have in 12:57:26  
13 this process in 2009 and 2010, is it any 12:57:28  
14 different than the role you have today in 12:57:33  
15 substance? 12:57:35

16 A. Not substantively. 12:57:36

17 Q. Because sometimes, you know, 12:57:39  
18 I'll ask a question in the present tense. 12:57:41  
19 As long as you understand I'm primarily 12:57:44  
20 interested in the process in 2009 and 12:57:47  
21 2010. 12:57:51

22 A. Sure. 12:57:51

23 Q. But if it hasn't changed we're 12:57:52  
24 on solid ground. 12:57:54

25 MR. KLEIN: I just want to 12:57:56

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2 clarify, the intent of Mr. Herbst's 12:57:58  
3 questions if I understand it is to 12:58:00  
4 find out about what transpired at 12:58:02  
5 the time period that Mr. Ashmore 12:58:07  
6 was employed at CGI? 12:58:08

7 MR. HERBST: Yes, but you know 12:58:10  
8 something, this is my deposition, 12:58:12  
9 Mr. Klein, so I would be most 12:58:13  
10 grateful if you have an objection 12:58:14  
11 you can state it, but I'd 12:58:16  
12 appreciate if you let me ask my 12:58:19  
13 questions. 12:58:20

14 MR. KLEIN: That's fine, you 12:58:21  
15 can ask your questions, I just want 12:58:22  
16 to make sure I understood what you 12:58:23  
17 were saying. 12:58:25

18 Q. All right. What role do you 12:58:26  
19 have in step A, if any? 12:58:30

20 A. If a meeting is held I am 12:58:32  
21 sometimes invited, but as far as 12:58:36  
22 preparing materials or being an active 12:58:39  
23 participant, I'm generally just learning 12:58:43  
24 about the opportunity at that point. 12:58:46

25 Q. And how about in B, committing 12:58:48

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2 financial resources to the pursuit? 12:58:54

3 A. Generally the same as step A. 12:58:55

4 If it's a particularly large opportunity 12:59:02

5 we may have done some preparatory 12:59:05

6 financial analysis, but I would say 12:59:09

7 that's the exception. 12:59:12

8 Q. What about the pursuit budget 12:59:13

9 preparation in step B, are you involved 12:59:31

10 in that? 12:59:32

11 A. That was never a part of my 12:59:33

12 official responsibilities, but I have 12:59:35

13 often been asked to participate as part 12:59:37

14 of that process. But it was -- it was 12:59:39

15 never something that I was officially 12:59:44

16 responsible for. It's something that I 12:59:46

17 would provide help if I was able to. 12:59:48

18 Q. And when you were asked, you 12:59:52

19 are asked, what specific tasks or help do 12:59:54

20 you do? 12:59:59

21 A. Generally I just help them do 12:59:59

22 the math. They would provide me a list 13:00:01

23 of resources, a list of hours, and I 13:00:03

24 would sometimes provide rate information, 13:00:06

25 but generally help them with the math. 13:00:11

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2 Q. What math is involved? 13:00:12

3 A. Really just rates times hours 13:00:31

4 equals estimated budget. We have plug 13:00:34

5 numbers to use for most resources, but if 13:00:43

6 it was an opportunity where we knew 13:00:45

7 specific personnel then I could pull that 13:00:47

8 information. 13:00:49

9 Q. What's your role in step C, 13:00:57  
10 the process to submit the bid? 13:01:00

11 A. That is where I would review 13:01:02

12 any of the financial documents that were 13:01:07

13 applicable to that solicitation. 13:01:10

14 Sometimes it's a profit and loss 13:01:13

15 statement. Sometimes it's a list of 13:01:15

16 rates. It varies from opportunity to 13:01:18

17 opportunity, but generally consists of 13:01:24

18 explaining what financially we are 13:01:26

19 committing the company to. 13:01:29

20 Q. You mean what financial 13:01:31

21 investment, what amounts of money you're 13:01:37

22 committing the company to? 13:01:38

23 A. I wouldn't say necessarily 13:01:40

24 investment, but what we're looking at in 13:01:42

25 terms of, again, profit, loss. 13:01:46

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2 Q. But when you say committing 13:01:49  
3 the company to some financial thing that 13:01:51  
4 you're committing the company to, what? 13:01:54

5 A. Well, for example, if we 13:01:55  
6 submit -- again, it depends on the bid. 13:01:57  
7 If we're submitting a fixed price bid, 13:02:01  
8 then we would be committing the company 13:02:04  
9 likely to some kind of investment. If 13:02:06  
10 we're just submitting a list of rates, 13:02:08  
11 then we're only committing to selling X 13:02:10  
12 person at Y dollars. I mean it's -- 13:02:13

13 Q. And in the cost and materials 13:02:16  
14 contract that's what you'd be doing, the 13:02:19  
15 latter? 13:02:21

16 A. Yes. 13:02:22

17 Q. What is a cost and materials 13:02:26  
18 contract? 13:02:27

19 A. I'm not familiar specifically 13:02:27  
20 with that specific term. Typically we 13:02:29  
21 call it time and materials. 13:02:32

22 Q. Time and materials. What's 13:02:33  
23 involved in a time and materials 13:02:37  
24 contract? 13:02:39

25 A. Time and materials contract 13:02:39

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2 generally consists of labor hour -- a 13:02:42  
3 labor rate for labor hours and any 13:02:45  
4 materials or other direct costs that are 13:02:48  
5 necessary for the completion of that 13:02:49  
6 project. It could be software, travel, 13:02:52  
7 notebooks, any of a number of things. 13:02:56

8 Q. What role do you have in the 13:03:07  
9 D, step D, enter negotiations with the 13:03:10  
10 client post bid submission? 13:03:12

11 A. It really depends. If they 13:03:14  
12 are asking us questions about our pricing 13:03:16  
13 or we need to change, if we're -- if we 13:03:19  
14 receive a request for a best and final 13:03:26  
15 offer or proposal revisions that has a 13:03:29  
16 cost impact, then I would participate. 13:03:33  
17 If they're just asking clarification 13:03:35  
18 questions, then I would not participate 13:03:37  
19 in that. 13:03:38

20 Q. How about step E, the 13:03:44  
21 execution of the contract? 13:03:46

22 A. I'm generally not involved in 13:03:47  
23 that. 13:03:48

24 Q. Now if you would just look at 13:03:57  
25 17, on the second page there's a list of 13:04:03

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2 people involved on page 2, right, those 13:04:13

3 are the people involved in the 13:04:17

4 opportunity? 13:04:18

5 A. Yes. 13:04:19

6 Q. And they're generally listed 13:04:19

7 in this part of this kind of document, 13:04:21

8 this executive step review, right? 13:04:26

9 MR. KLEIN: Object to the 13:04:28

10 form. 13:04:29

11 A. Yes. 13:04:29

12 Q. Now, do you have -- I take it 13:04:30

13 you don't have any role in selecting the 13:04:36

14 people who are involved in an 13:04:38

15 opportunity, or do you? 13:04:40

16 A. No. 13:04:41

17 Q. But when you are given a list 13:04:41

18 of employees like this, do you generally 13:04:44

19 know the business, you know, the division 13:04:46

20 or business unit in which they are, in 13:04:48

21 which they are primarily working? 13:04:52

22 MR. KLEIN: Object to form. 13:04:55

23 A. Yes. 13:04:56

24 Q. I see here that the business 13:05:00

25 unit is listed along with their roles, 13:05:02

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2 right? 13:05:04

3 A. Yes. 13:05:04

4 Q. Is that typical? 13:05:04

5 A. Yes, for the time, yes. 13:05:06

6 Q. For that time period you're 13:05:08

7 saying that's typical? 13:05:11

8 A. Yes. 13:05:12

9 Q. Has that changed? 13:05:13

10 A. I'm not sure. 13:05:14

11 Q. Okay. Now the next page is 13:05:16

12 called client profile. That's a typical 13:05:49

13 part of this executive step review? 13:05:51

14 A. Yes. 13:05:54

15 Q. And does it generally list the 13:05:54

16 government agency that is looking for the 13:05:57

17 opportunity that the company is trying to 13:06:04

18 bid on? 13:06:06

19 A. Yes. 13:06:07

20 Q. If you look at this one, it 13:06:07

21 says key relationships -- this is a HUD 13:06:26

22 contract, right? 13:06:28

23 A. Yes. 13:06:29

24 Q. Under key relationships there 13:06:31

25 are three people listed? 13:06:33



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2 A. Yes. 13:06:35

3 Q. Do you know any of these 13:06:35

4 people? 13:06:36

5 A. No. 13:06:36

6 Q. What's the purpose of this 13:06:37

7 box? What does key relationships mean? 13:06:41

8 A. Those are the government 13:06:44

9 personnel with whom CGI has a 13:06:51

10 relationship, but I'm not -- I'm not 13:06:53

11 involved in preparing these documents so 13:06:56

12 I can't, I can't really get to -- I can't 13:06:59

13 answer any further than that. 13:07:04

14 Q. Okay, that's fine. Now, one 13:07:05

15 of the persons listed is Deb Lear, do you 13:07:07

16 see that? 13:07:10

17 A. Yes. 13:07:11

18 Q. Second person? 13:07:11

19 A. Yes. 13:07:12

20 Q. I know you haven't met her 13:07:12

21 according to the testimony you just gave, 13:07:14

22 right? 13:07:16

23 A. Yes. 13:07:18

24 Q. But have you seen her name on 13:07:18

25 pursuits in executive step reviews before 13:07:26

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2 as someone having a key relationship with

13:07:29

3 HUD?

13:07:32

4 MR. KLEIN: Object to the

13:07:33

5 form.

13:07:34

6 A. I don't recall her name

13:07:34

7 specifically, but I also have not worked

13:07:35

8 a lot of HUD proposals.

13:07:37

9 Q. Fair enough. Well does your

13:07:41

10 work involve pursuits for only certain

13:07:49

11 governmental agencies and not others, or,

13:07:56

12 you know, is there some distinguishing

13:08:00

13 fact among government agencies that you

13:08:03

14 could articulate where, you know, you do

13:08:05

15 more of one agency than another?

13:08:08

16 MR. KLEIN: Object to the

13:08:11

17 form.

13:08:12

18 A. At the time, I would say at

13:08:13

19 the time there weren't specific sectors

13:08:17

20 that we were aligned to, but that has

13:08:20

21 since changed and I do have a sector now

13:08:23

22 that I'm aligned to and I primarily only

13:08:25

23 work that sector's proposals.

13:08:28

24 But a HUD was never somewhere

13:08:30

25 that we on the Federal side did a lot of

13:08:34

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2 work anyway, so there just weren't that 13:08:37  
3 many HUD opportunities. A lot of the HUD 13:08:40  
4 work was bid out of a different part of 13:08:44  
5 the business. 13:08:47

6 Q. What part of the business was 13:08:48  
7 it? 13:08:49

8 A. The BPS business, the BPS 13:08:49  
9 business unit. 13:08:53

10 Q. What does BPS stand for? 13:08:54

11 A. Business process services. 13:09:01

12 Q. And what distinguished BPS 13:09:03  
13 from CGI Federal? 13:09:06

14 A. BPS was a business unit within 13:09:07  
15 CGI Federal. 13:09:11

16 Q. So what would be the analog 13:09:12  
17 within CGI Federal for BPS that -- 13:09:14

18 A. I worked in what was called 13:09:17  
19 the ISIT part of the business, which is 13:09:19  
20 more technology, solution driven, 13:09:23  
21 software driven, transformation driven, 13:09:27  
22 where the BPS is business process 13:09:30  
23 services, so performing inspections or 13:09:32  
24 really outsourcing type work and a lot of 13:09:35  
25 that is not done at the Federal level, 13:09:38

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2 it's done at the state and local or the 13:09:39  
3 commercial level. 13:09:41

4 Q. You said inspections and what 13:09:43  
5 else that BPS did? 13:09:45

6 A. Generally outsourcing type 13:09:47  
7 services. 13:09:51

8 Q. So these were two different 13:09:51  
9 business units within CGI? 13:09:59

10 A. Yes. 13:10:01

11 Q. And can you tell with respect 13:10:01  
12 to Plaintiff's 17 whether this was coming 13:10:04  
13 out of Federal -- whether it was coming 13:10:07  
14 out of BPS or ISIT? 13:10:10

15 A. I can't be certain. 13:10:17

16 Q. Take a look at the next page. 13:10:20  
17 I see there is an answer. There seems to 13:10:24  
18 be an answer on the top of the next page? 13:10:26

19 A. Okay, yes. 13:10:28

20 MR. KLEIN: Object to the form 13:10:29  
21 of the question. 13:10:31

22 MR. HERBST: I'll fix that up. 13:10:32

23 Q. Labeled opportunity profile, 13:10:33  
24 do you see that? 13:10:35

25 A. Yes. 13:10:35

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2 Q. So the lead business unit at 13:10:36

3 least is BPS, right? 13:10:38

4 A. Yes. 13:10:39

5 Q. Now, are there ever 13:10:39

6 opportunities where both BPS and ISIT are 13:10:41

7 involved? 13:10:45

8 A. Yes. 13:10:45

9 Q. What would those be? 13:10:45

10 A. Those would typically happen 13:10:47

11 if, as I mentioned a lot of the typical 13:10:52

12 BPS work is state and local or commercial 13:10:59

13 in nature. If Federal HUD, for example, 13:11:01

14 had an opportunity that's usually when 13:11:07

15 ISIT would get involved because the 13:11:10

16 majority of our work is with the federal 13:11:13

17 government and we're the ones that have 13:11:17

18 the understanding of how to respond to a 13:11:18

19 government RFP and what that means versus 13:11:21

20 a majority of the BPS folks are more used 13:11:25

21 to responding to state and local RFPs, 13:11:28

22 so. 13:11:34

23 MR. KLEIN: I'm just going to 13:11:34

24 put my objection on THE record that 13:11:36

25 once again I think you're drifting 13:11:37

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2 from the scope of even if Exhibit 5 13:11:39  
3 is something that CGI agreed to or 13:11:41  
4 category 5 is something CGI agreed, 13:11:43  
5 I think we are getting close to 13:11:46  
6 that fine line of deviating beyond 13:11:48  
7 the scope of the deposition. 13:11:50

8 MR. HERBST: I don't, but 13:11:56  
9 again, I don't want to debate with 13:11:57  
10 you. 13:12:03

11 Q. I just want to understand. In 13:12:03  
12 2009/2010 you were in the ISIT part of 13:12:06  
13 the organization, or did your duties 13:12:09  
14 encompass both BPS and ISIT? 13:12:10

15 A. I was aligned to ISIT. I 13:12:14  
16 would say 90 plus percent of my work was 13:12:16  
17 ISIT. 13:12:19

18 Q. Do you know who your same 13:12:20  
19 number, the same person doing your duties 13:12:22  
20 for the BPS unit within CGI would be, the 13:12:25  
21 pricing manager for those opportunities? 13:12:30

22 MR. KLEIN: Object to form. 13:12:32

23 A. It's my understanding they 13:12:33  
24 don't -- they don't have a pricing 13:12:34  
25 function the way that ISIT did. They 13:12:38

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2 rely more on their finance department in 13:12:42  
3 general to do their pricing. They don't 13:12:46  
4 have pricing specialists, to my 13:12:49  
5 knowledge. 13:12:51

6 Q. Is there any reason for that? 13:12:52

7 A. I don't know. I think they're 13:12:53  
8 just more cross functional. I don't -- I 13:12:55  
9 can't -- I don't know. 13:12:59

10 Q. Now, the next line under the 13:12:59  
11 BPS says HCV programmatic consulting 13:13:19  
12 services. Do you know what HCV stands 13:13:25  
13 for? 13:13:27

14 A. No. 13:13:27

15 Q. Do you know what the 13:13:28  
16 opportunity was? 13:13:28

17 A. No. 13:13:29

18 Q. Nothing in this document would 13:13:29  
19 be able to tell you what it was? 13:13:32

20 A. I mean not, not any more than 13:13:35  
21 what's just written here. 13:13:39

22 Q. It says account manager 13:13:40  
23 Benjamin Ashmore? 13:13:48

24 A. Yes. 13:13:49

25 Q. What would the account 13:13:49

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2 manager's duties be, generally? 13:13:51

3 A. Generally, they're the person 13:13:53  
4 that has the relationship with the client 13:13:55  
5 executives, but I would say that those 13:13:59  
6 duties would often vary depending on the 13:14:03  
7 size of the account. If it's a very 13:14:06  
8 large account their duties would be 13:14:08  
9 different, if it was a very small account 13:14:10  
10 like HUD. 13:14:13

11 Q. When you say if it's a very 13:14:13  
12 small account like HUD, then what? 13:14:15

13 A. Then it would, in my 13:14:18  
14 experience it's typical that an account 13:14:20  
15 manager of a very small account would be 13:14:22  
16 more actively involved in delivery, 13:14:25  
17 actual labor hours versus someone in a 13:14:29  
18 very large account is probably more 13:14:33  
19 involved in strategy and less doing the 13:14:36  
20 actual work work. 13:14:41

21 Q. And it says BU executive 13:14:43  
22 owner, business unit executive owner, is 13:14:47  
23 that what that means? 13:14:49

24 A. Yes. 13:14:49

25 Q. Richard Schmitz. What is the 13:14:50



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2 business unit executive owner? What's 13:14:54  
3 that person's role or what does that 13:14:56  
4 mean? 13:14:59

5 A. I'm really not sure what that 13:14:59  
6 means in this context. That's typically 13:15:03  
7 a vice president that was responsible for 13:15:06  
8 -- under whom the subject opportunity's 13:15:11  
9 umbrella fell under. But their 13:15:17  
10 involvement or how active they were I 13:15:20  
11 don't know. 13:15:23

12 Q. On the right-hand side it says 13:15:23  
13 TCV, term. What does that stand for? 13:15:27

14 A. Total contract value. 13:15:30

15 Q. So this was anticipated to be 13:15:32  
16 an \$8.6 million, or \$8.7 million 13:15:34  
17 contract? 13:15:39

18 A. Yes. For the, over the total 13:15:39  
19 of the four years. 13:15:42

20 Q. Then the next sheet under 13:15:43  
21 pursuit team lists the team who were 13:15:52  
22 assigned to that, right? 13:15:54

23 A. Yes. 13:15:55

24 Q. To the opportunity? 13:15:55

25 A. Yes. 13:15:56

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2 Q. And then the next page is 13:15:57

3 pursuit budget, right? 13:16:02

4 A. Yes. 13:16:04

5 Q. What's the purpose of that 13:16:04

6 page? 13:16:06

7 A. That page provides an estimate 13:16:07

8 of the amount of money that we at CGI are 13:16:11

9 expecting to spend in pursuit of this 13:16:17

10 opportunity in sales activities, whether 13:16:20

11 that's preparing the proposal, it could 13:16:24

12 be printing costs, there could be travel. 13:16:26

13 Q. Are you involved in generating 13:16:31

14 pursuit budgets in -- 13:16:34

15 A. Not typically. 13:16:36

16 Q. Not typically? 13:16:37

17 A. No. 13:16:37

18 Q. Do you have some knowledge 13:16:38

19 about how it's done, what the process is? 13:16:41

20 A. Again, it's what we were 13:16:43

21 referring to earlier. I would 13:16:46

22 occasionally help with the rates or the 13:16:48

23 math, but in terms of determining who was 13:16:49

24 on the team or their level of commitment 13:16:52

25 or how many hours that they were expected 13:16:55

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2 to spend, no, I was not involved in that.

13:16:57

3 Q. Let's just talk about the

13:17:00

4 rates and the math, all right, on this

13:17:02

5 page.

13:17:04

6 A. Okay.

13:17:04

7 Q. So let's take Mr. Ashmore, the

13:17:04

8 first one. He's the first one of four

13:17:07

9 people listed, right?

13:17:09

10 A. Yes.

13:17:11

11 Q. Can you tell me why the four

13:17:11

12 people listed on that page do not really

13:17:23

13 correspond to the people listed on the

13:17:27

14 pursuit team on the previous page?

13:17:29

15 A. I don't recognize two of the

13:17:34

16 four names here, so no, I can't, I can't

13:17:37

17 answer that definitively.

13:17:44

18 Q. And the two that you do not

13:17:45

19 recognize, would that be Laura Lampe and

13:17:46

20 Joyce Changery?

13:17:49

21 A. Yes.

13:17:51

22 Q. You don't know what business

13:17:51

23 units they were from?

13:17:53

24 A. No.

13:17:54

25 Q. All right, so let's just talk

13:17:55

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2 about Mr. Ashmore primarily first. It 13:17:58

3 says -- what's supposed to be in the 13:18:03

4 hours column where it says 20? 13:18:05

5 A. The hours that they're 13:18:08

6 expected to work, or their estimated 13:18:09

7 hours for that part of the pursuit 13:18:12

8 process. 13:18:14

9 Q. Is that a total hour number 13:18:15

10 for the entire pursuit process? 13:18:17

11 A. Well there's four different 13:18:19

12 swim lanes here. 13:18:25

13 Q. Four different columns along 13:18:26

14 the top you mean? 13:18:27

15 A. Yes. 13:18:28

16 Q. So in other words, he's 13:18:29

17 supposed to, he's expected or anticipated 13:18:30

18 to spend 20 hours managing the sale? 13:18:33

19 A. Yes. 13:18:35

20 Q. 60 hours in solution and 13:18:36

21 proposal development? 13:18:37

22 A. Yes. 13:18:39

23 Q. Is that 60 or 80? 13:18:40

24 A. It's 60. 13:18:41

25 Q. 20 hours in other, right? 13:18:44

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2 A. Yes.

13:18:47

3 Q. And then 20 hours in close,  
4 due diligence, right?

13:18:47

13:18:49

5 A. Yes.

13:18:50

6 Q. So that takes care of the  
7 hours. Now the rate listed is 125 an  
8 hour for him?

13:18:50

13:18:52

13:19:00

9 A. Yes.

13:19:01

10 Q. How is that rate calculated?

13:19:01

11 A. I'm not sure. In that  
12 circumstance I can't be sure.

13:19:03

13:19:08

13 Q. Well how is it generally  
14 calculated? You say you usually help  
15 with rates on stuff like this?

13:19:10

13:19:11

13:19:13

16 A. I occasionally help with  
17 rates.

13:19:15

13:19:16

18 Q. Occasionally, right. So when  
19 you do help with the rates, how do you  
20 calculate or help calculate the rates  
21 that go into this?

13:19:16

13:19:18

13:19:20

13:19:23

22 MR. KLEIN: I just want to

13:19:25

23 clarify because I'm a little

13:19:27

24 confused. Are you talking about at

13:19:27

25 the pursuit budget stage?

13:19:30

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2 MR. HERBST: I don't know, but 13:19:45  
3 the witness can help us clarify if 13:19:45  
4 that is something that you need to 13:19:48  
5 clarify in order to answer the 13:19:50  
6 question. I would normally 13:19:52  
7 consider that a speaking objection, 13:19:57  
8 but I believe in good faith that 13:19:58  
9 you were attempting to clarify. So 13:19:59  
10 let me hear the answer, or the 13:20:02  
11 question again, please. 13:20:06

12 (Record read as requested.) 13:20:07

13 Q. When I say this, I'm talking 13:20:13  
14 about the rates in this pursuit budget. 13:20:15

15 A. If the request is made of me 13:20:18  
16 to use the specific people that are 13:20:21  
17 listed and their actual rates, then I 13:20:25  
18 would look up their salaries and I would 13:20:28  
19 divide by 2200 hours per year and I would 13:20:31  
20 add an amount for fringe that would -- 13:20:36  
21 and the sum of those numbers would total 13:20:39  
22 their internal cost rate. 13:20:41

23 But often for this purpose, 13:20:45  
24 for opportunity budget purposes they 13:20:51  
25 would use kind of generic rates which are 13:20:53

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2 what I suspect is what you're seeing 13:20:57

3 here. Because a lot of that information 13:21:00

4 is obviously proprietary, you don't want 13:21:02

5 to show up to a step review and have 13:21:05

6 everybody see what your salary is and 13:21:08

7 that's why the rates were genericized. 13:21:10

8 Q. Let's unpack that answer a 13:21:18

9 little bit. If you were asked, if you 13:21:19

10 were going to go the specific person's 13:21:25

11 salary route, you would look up their 13:21:30

12 salaries. Where would you go to look up 13:21:33

13 their salaries? 13:21:35

14 A. HR database. 13:21:35

15 Q. The HR database? 13:21:37

16 A. Yes. 13:21:38

17 Q. And that has everybody's 13:21:39

18 salary in it? 13:21:41

19 A. Yes. 13:21:41

20 Q. You divide by 2200 which is 13:21:41

21 the number of hours, right? 13:21:56

22 A. Yes. 13:21:57

23 Q. Then you said you would add 13:21:57

24 fringe? 13:22:00

25 A. Yes. 13:22:01

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2 Q. What is fringe? 13:22:01

3 A. Fringe is a percentage that we 13:22:03

4 add on to salary costs that is intended 13:22:08

5 to account for things such as vacation, 13:22:12

6 holiday, medical insurance. 13:22:17

7 Q. Vacation, holiday, medical 13:22:24

8 insurance. Anything else? 13:22:25

9 A. There's a component of it for 13:22:32

10 profit participation. 13:22:34

11 Q. I just want to make sure I 13:22:38

12 understand you. The profit participation 13:22:40

13 component is included in fringe? 13:22:42

14 A. An estimate is included in 13:22:44

15 fringe. We never know the actual profit 13:22:46

16 participation amount until we know and 13:22:48

17 that's -- we're a year behind so we have 13:22:54

18 to do -- we generally did an adjustment. 13:22:58

19 But in general, at the time we 13:23:00

20 used a 33 percent fringe factor. 13:23:03

21 Q. That's the only factor you've 13:23:12

22 ever used during those years, 2009/2010? 13:23:17

23 A. When estimating fringe at the 13:23:20

24 time for ISIT work, yes, that's what we 13:23:22

25 used. 13:23:24



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2 Q. How about for CGI Federal 13:23:25

3 work? 13:23:28

4 A. That's the same. It would 13:23:28

5 have been the same. 13:23:30

6 Q. It would be the same? 13:23:31

7 A. Yes. 13:23:32

8 Q. How about BPS work? 13:23:32

9 A. I'm not sure. 13:23:35

10 Q. So the ISIT fringe percentage 13:23:36

11 would be the same whether it was a HUD 13:23:38

12 contract or an HHS contract, it wouldn't 13:23:44

13 matter; is that right? 13:23:48

14 MR. KLEIN: Object to the 13:23:51

15 form. 13:23:52

16 A. Yes, at that time if we were 13:23:52

17 calculating something that was looking at 13:23:54

18 fringe, yes, that was a generic number 13:23:56

19 that we used. We didn't calculate fringe 13:23:58

20 specifically as a separate component at 13:24:01

21 the time. 13:24:05

22 Q. So are you fairly confident 13:24:05

23 that with respect to this \$125 rate -- 13:24:14

24 well, withdrawn. 13:24:19

25 Can you tell whether or not 13:24:20

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2 this \$125 rate would include the 13:24:21  
3 person's, Mr. Ashmore's fringe including 13:24:27  
4 all those components or whether it 13:24:30  
5 wouldn't? 13:24:31

6 MR. KLEIN: Object to the 13:24:32  
7 form. 13:24:33

8 A. The intention is that these 13:24:34  
9 should be fringe loaded rates. Again, 13:24:35  
10 these are generic rates, so yes, my 13:24:37  
11 understanding is that these would be 13:24:40  
12 fully fringe loaded rates. 13:24:41

13 Q. Now, you said that you think 13:24:42  
14 these are generic rates, so we've sort of 13:24:46  
15 departed from the set of questions I was 13:24:50  
16 asking you earlier which is if you were 13:24:55  
17 using actual rates? 13:24:56

18 A. Right. Then yes, I would use 13:24:57  
19 fringe. 13:25:01

20 Q. You would use fringe, but 13:25:01  
21 would the actual rate also be 33 percent 13:25:03  
22 or would you try to ascertain how much 13:25:05  
23 vacation, holiday, medical insurance and 13:25:11  
24 an estimate of profit participation? 13:25:15

25 MR. KLEIN: Object to the 13:25:18

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2 form. You can answer. 13:25:19

3 A. I'm not sure I understand your 13:25:21

4 question. We just use 33 percent. That 13:25:22

5 was estimate of fringe that we used at 13:25:24

6 the time. 13:25:29

7 Q. Okay. Whether it's actual 13:25:29

8 salaries that you were looking up or 13:25:34

9 whether you were using generic rates? 13:25:36

10 MR. KLEIN: Object to the 13:25:38

11 form. 13:25:40

12 A. Yes, if I were using a generic 13:25:40

13 salary or a salary estimate, I would 13:25:42

14 still use the same fringe amount 13:25:43

15 regardless of if I was using an estimated 13:25:46

16 salary versus an actual salary. 13:25:48

17 Q. Because I thought when you 13:25:49

18 were testifying earlier you said if you 13:25:51

19 wanted to get an estimate of profit 13:25:53

20 participation you would consult last 13:25:54

21 year's profit participation of that 13:25:56

22 particular employee as an estimate? 13:26:00

23 MR. KLEIN: Object to the 13:26:02

24 form. 13:26:03

25 A. No. No. I'm sorry if that 13:26:03

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2 was not clear.

13:26:05

3 Q. That's not true?

13:26:06

4 A. No. The --

13:26:07

5 MR. KLEIN: She answered.

13:26:12

6 A. I'm sorry. I'm good.

13:26:13

7 Q. I thought you were --

13:26:15

8 A. I'm good.

13:26:16

9 Q. Now would the compensation

13:26:17

10 other than profit participation be

13:26:27

11 included in fringe, such as commission if

13:26:30

12 a person were on commission, as well as

13:26:35

13 profit participation?

13:26:37

14 MR. KLEIN: Object to the

13:26:38

15 form.

13:26:40

16 A. There are a number of

13:26:43

17 non-salary compensation tools, some bonus

13:26:47

18 items may live in fringe. I'm not sure

13:26:53

19 exactly where commission lives. I don't

13:26:56

20 know if that lives in fringe or if it

13:26:58

21 lives in a sales budget.

13:27:00

22 Q. What other non-salaried

13:27:14

23 elements of compensation on occasion live

13:27:17

24 in fringe?

13:27:20

25 A. Things like a hiring bonus or

13:27:21

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2 retention bonus, one time bonus. I mean 13:27:24  
3 there are a million different probably 13:27:30  
4 types of bonuses a person could receive 13:27:32  
5 for any different number of reasons, and 13:27:34  
6 those could live in fringe. They could 13:27:36  
7 live elsewhere. 13:27:39

8 Q. Besides bonus and commission 13:27:43  
9 which you've already said might be in 13:27:46  
10 fringe or might be in the sales budget, 13:27:48  
11 what else, anything? 13:27:50

12 A. I don't know. 13:27:51

13 Q. You can't think of anything 13:27:56  
14 right now? 13:27:57

15 A. I can't think of anything 13:27:58  
16 else. 13:27:59

17 Q. What about stock options, 13:27:59  
18 would that live in fringe? 13:28:01

19 A. I'm not sure. 13:28:03

20 Q. Who would know that? 13:28:07

21 A. Who would know that? I would 13:28:08  
22 probably direct you to the CGI Federal 13:28:17  
23 controller. 13:28:20

24 Q. Who would that be? 13:28:21

25 A. Scott Pfof. 13:28:22

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2 Q. Now, since you testified these 13:28:31  
3 could either be actual rates or generic 13:28:39  
4 rates but you think they're generic 13:28:41  
5 rates, how do you, if you were going to 13:28:42  
6 decide to use a generic rate, how would 13:28:44  
7 you calculate the generic rate, where 13:28:46  
8 would you go to look to find it? 13:28:48

9 A. I wouldn't do that. They were 13:28:49  
10 rates that were already in the template 13:28:51  
11 and you just dropped down and it would 13:28:52  
12 say if this, if you're representing a 13:28:55  
13 vice president then this is a reasonable 13:28:58  
14 rate, if you're representing a senior 13:29:00  
15 manager. I mean it's been a very long 13:29:02  
16 time since I've been involved in anything 13:29:05  
17 like this. I don't recall with any 13:29:08  
18 specificity more than what I've already 13:29:11  
19 said. 13:29:14

20 Q. Well, in 2009/2010, besides 13:29:14  
21 you, would there have been anybody else 13:29:18  
22 who would be able to answer that question 13:29:21  
23 with more specificity? 13:29:23

24 MR. KLEIN: I'm going to 13:29:27  
25 object to the form. Are you 13:29:28

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2 talking about this specific 13:29:29

3 document, or are you talking about 13:29:31

4 what she did because I think 13:29:32

5 there's some confusion here? 13:29:34

6 MR. HERBST: No, I don't think 13:29:35

7 there's any confusion, but you are, 13:29:37

8 again, you're interrupting the 13:29:39

9 witness when she's trying to answer 13:29:40

10 the question. You're attempting to 13:29:42

11 guide her. 13:29:44

12 MR. KLEIN: No, because you're 13:29:45

13 asking a question about a document 13:29:46

14 that she testified that she did not 13:29:48

15 prepare. 13:29:50

16 MR. HERBST: I'm asking her 13:29:51

17 when she uses generic rates. 13:29:55

18 MR. KLEIN: And she said she 13:29:57

19 doesn't do that. You can ask your 13:29:59

20 next question. Or whatever the 13:30:01

21 question is. 13:30:03

22 MR. HERBST: I'm going to go 13:30:04

23 back and I'm going to ask that the 13:30:05

24 question be reread to the witness. 13:30:06

25 (Record read as requested.) 13:30:08

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2 A. What is the question exactly? 13:30:21

3 MR. HERBST: Would you read 13:30:26

4 back the previous question. 13:30:27

5 (Record read as requested.) 13:30:28

6 A. So the question is, in terms 13:30:51

7 of this opportunity pursuit budget 13:30:55

8 worksheet who determined what the generic 13:30:59

9 rates were? 13:31:01

10 Q. Yes. 13:31:01

11 A. I don't know the answer to 13:31:02

12 that. I would refer you to the PMO, 13:31:04

13 they're the ones in charge of this 13:31:10

14 template. 13:31:11

15 Q. PMO, what does that stand for? 13:31:12

16 A. Program or project management 13:31:14

17 office. 13:31:19

18 Q. And in 2009, 2010, who ran 13:31:19

19 that? 13:31:27

20 A. Kathleen Landers. 13:31:31

21 Q. Is she still employed? 13:31:32

22 A. As far as I know. 13:31:34

23 Q. At CGI? 13:31:35

24 A. As far as I know. 13:31:36

25 Q. What is her position now? 13:31:37



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2 A. I don't -- I don't know. I -- 13:31:39

3 Q. Is she still involved in 13:31:41

4 program or project management? 13:31:44

5 A. I don't know. 13:31:47

6 MR. HERBST: I will request, 13:31:54

7 Mr. Klein, if you identify her and 13:31:55

8 what her duties are. Just so that 13:31:56

9 we can list that as a request. 13:32:01

10 (Request made.) 13:32:01

11 Q. Okay. Now I think you 13:32:04

12 testified that generic rates would 13:32:20

13 involve titles and templates like vice 13:32:30

14 president or senior manager, right? 13:32:33

15 MR. KLEIN: Object to the 13:32:35

16 form. 13:32:36

17 A. Right. 13:32:36

18 Q. Now this page doesn't seem to 13:32:37

19 identify what their title or template 13:32:39

20 would be, so how would anybody fill in 13:32:43

21 the generic, would use generic rates as 13:32:49

22 opposed to actual rates? 13:32:52

23 A. Typically the person that 13:32:54

24 completes this is the opportunity pursuit 13:32:58

25 leader, and they should have the 13:33:02

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2 knowledge of what it is everyone is doing 13:33:05  
3 and what their approximate seniority or 13:33:07  
4 level is. And since they don't have 13:33:10  
5 access to salary information, that's why 13:33:13  
6 the generic rates are there. So they can 13:33:16  
7 say I know Joe is a senior subject matter 13:33:19  
8 expert, I may not know his salary, but I 13:33:30  
9 know generally he's a senior SME, so I'm 13:33:33  
10 going to plug in \$125 an hour. 13:33:36

11 And again, that's why this 13:33:41  
12 template, to my understanding, is written 13:33:44  
13 to be generic because the person 13:33:46  
14 responsible for filling this out isn't 13:33:49  
15 going to know salary information. 13:33:52

16 Q. Except in Mr. Ashmore's case, 13:33:55  
17 he was the project manager, right? 13:33:58

18 MR. KLEIN: Object to the 13:34:02  
19 form. 13:34:03

20 A. Yeah, I believe he was the 13:34:03  
21 pursuit manager on this opportunity. 13:34:06

22 Q. Account manager, that's the 13:34:08  
23 same as pursuit manager, right? 13:34:10

24 A. Not necessarily. 13:34:12

25 Q. Where would the pursuit 13:34:13

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2 manager be listed here? 13:34:15

3 A. Opportunity pursuit leader is 13:34:26

4 on slide -- the fourth slide on the 13:34:29

5 right-hand side. 13:34:32

6 Q. Do you see a page number on 13:34:33

7 the bottom where it says 4 confidential, 13:34:35

8 for example? 13:34:40

9 A. No, it's cut off. 13:34:40

10 Q. Okay, I see it, on the page 13:34:41

11 headed opportunity profile? 13:34:43

12 A. Correct. 13:34:45

13 Q. So he might know his own 13:34:45

14 salary rate, right? 13:34:48

15 A. Right. 13:34:49

16 Q. But he wouldn't necessarily 13:34:50

17 know what fringe to put in, right, and 13:34:52

18 all that stuff? 13:34:55

19 A. He may not know what fringe to 13:34:55

20 put in. He may not know -- you know, he 13:34:57

21 will likely be working with a number of 13:35:00

22 people that don't work for him, for 13:35:02

23 example, a technical writer or a desktop 13:35:04

24 publisher, which he would likely not know 13:35:07

25 their salary information. So that's 13:35:09

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2 where the generic rates are helpful. 13:35:11

3 Q. And he might or might not know 13:35:13

4 what Panos Kyprianou makes, right, his 13:35:18

5 salary? 13:35:22

6 A. Right. 13:35:22

7 Q. So he would have to call you 13:35:22

8 or someone else to ask? 13:35:24

9 A. Or he could use a generic 13:35:25

10 rate. 13:35:27

11 Q. Where would he go to get a 13:35:27

12 generic rate? 13:35:28

13 A. Again, I'm not certain. I 13:35:29

14 believe that they were built into the 13:35:30

15 template, but I'm not certain. 13:35:32

16 Q. All right. 13:35:32

17 A. I mean and there is a footnote 13:35:42

18 down here that says estimated hourly rate 13:35:44

19 based on role. 13:35:46

20 MR. KLEIN: Let's take a two 13:36:08

21 minute bathroom break. 13:36:09

22 (A recess was taken.) 13:36:12

23 Q. You know you're still under 13:44:31

24 oath? 13:44:32

25 A. Yes, sir. 13:44:32

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2 Q. Now I want to ask you about, 13:44:34  
3 right, Plaintiff's Exhibit 18 marked in a 13:44:40  
4 previous deposition. And I want to 13:44:44  
5 direct your attention to the second page 13:44:51  
6 of that. Do you see it's an email from 13:44:55  
7 Mr. Ashmore on May 21st, 2010 at 11:17 13:45:03  
8 a.m. to Scott Pfof and Rob Bowell, 13:45:07  
9 right? 13:45:11

10 A. Yes. 13:45:11

11 Q. Pfof being the controller? 13:45:11

12 A. Yes. 13:45:14

13 Q. And Rob Bowell who is who? He 13:45:15  
14 was who? 13:45:18

15 A. He was one of the vice 13:45:19  
16 presidents. 13:45:21

17 Q. Why was he on this email? 13:45:21

18 A. For approval purposes. 13:45:23

19 Q. What role did he have that his 13:45:25  
20 approval was required for an opportunity 13:45:28  
21 like this? 13:45:30

22 A. He was one of the account or 13:45:30  
23 sector VPs that could approve -- 13:45:33

24 Q. You say he was one of the 13:45:36  
25 what? 13:45:38

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2 A. Account or sector VPs who 13:45:38  
3 would approve. 13:45:41

4 Q. When you say account, you 13:45:43  
5 mean, what account? 13:45:48

6 A. He would have been -- I'm not 13:45:49  
7 sure of his exact role. I just know that 13:45:53  
8 he was a vice president at the time that 13:45:59  
9 lived in this account. 13:46:02

10 Q. What is an account vice 13:46:03  
11 president or account manager? What does 13:46:05  
12 he do? 13:46:07

13 A. Well like I said earlier, it 13:46:08  
14 really depends on the size of the account. 13:46:10  
15 A very large account could have several 13:46:14  
16 VPs with varying responsibilities. And 13:46:16  
17 likewise, there could be one VP in charge 13:46:18  
18 of a number of smaller accounts. There's 13:46:23  
19 not a specific. 13:46:25

20 Q. What's a sector VP as opposed 13:46:26  
21 to an account VP? 13:46:29

22 A. They would typically be in 13:46:30  
23 charge of a business unit. So, for 13:46:34  
24 example, there was, there was a sector VP 13:46:38  
25 in charge of BPS or a sector VP in charge 13:46:44

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2 of ISIT. 13:46:47

3 Q. Have you seen this exhibit 13:46:49  
4 before? 13:46:50

5 A. Yes. 13:46:50

6 Q. And when did you first see it? 13:46:51

7 A. It looks like 11/17 on Friday, 13:46:54  
8 May 21st, 2010. 13:46:58

9 Q. Why was it sent to you? Why 13:47:00  
10 were you included as a cc on it? 13:47:03

11 A. Typically pricing is included 13:47:05  
12 as a courtesy to let us know that OMF 13:47:06  
13 approval has been requested and so if 13:47:13  
14 there are any questions that the 13:47:15  
15 approvers have that we're copied on them 13:47:18  
16 directly instead of getting it third hand 13:47:21  
17 later. It's easier just to keep 13:47:25  
18 everybody that has a role in the pursuit 13:47:29  
19 on the email chain. 13:47:31

20 Q. What does OMF stand for? 13:47:32

21 A. Operation management 13:47:34  
22 framework. 13:47:36

23 Q. What does that mean? 13:47:37

24 A. That's just another word for 13:47:38  
25 -- I mean that's shorthand and often 13:47:42

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2 interchanged for the executive step 13:47:46

3 review process or step C approval. 13:47:49

4 MR. KLEIN: Rob, we did this a 13:47:58

5 year ago with some of these 13:48:01

6 documents, but it's our understanding 13:48:02

7 that some of the funky characters and 13:48:04

8 question marks and things of that 13:48:07

9 nature that may appear on this 13:48:08

10 document were not on the document 13:48:10

11 when Mr. Ashmore sent the email. 13:48:12

12 Rather, in some printing that's where 13:48:15

13 those characters appeared. 13:48:18

14 Q. Did you review this document 13:48:37

15 again in preparation for your testimony? 13:48:39

16 A. Yes. 13:48:40

17 Q. When? 13:48:40

18 A. Back when we were initially 13:48:41

19 preparing for the deposition, which 13:48:47

20 again, I'm not sure, but I believe was 13:48:50

21 somewhere in the April/May time frame. 13:48:52

22 Q. And then again? 13:48:55

23 A. More recently in preparation 13:48:56

24 for today. 13:48:58

25 Q. How recently? 13:49:00



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2 A. Within the last two weeks. 13:49:01

3 Q. What determines the labor 13:49:13

4 category into which employees are placed 13:49:14

5 when CGI is pursuing an opportunity? 13:49:17

6 MR. KLEIN: Could you read 13:49:30

7 that back. 13:49:30

8 (Record read as requested.) 13:49:31

9 MR. KLEIN: Object to the 13:49:32

10 form. 13:49:33

11 A. The description and any 13:49:33

12 associated qualifications for the labor 13:49:38

13 category are what determines who may be 13:49:41

14 eligible. As far as placing specific 13:49:44

15 members into a labor category, that is 13:49:48

16 often the responsibility of the project 13:49:50

17 or account team. 13:49:53

18 Q. Do you have any role in that? 13:49:56

19 A. No. 13:49:57

20 Q. So once they're placed in the 13:49:58

21 category then you helped provide the 13:50:01

22 rates and the math? 13:50:02

23 A. Correct. 13:50:03

24 Q. What determines the labor 13:50:08

25 category into which employees are placed 13:50:10

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2 once CGI Federal has won an opportunity 13:50:12  
3 and is performing the work of the 13:50:15  
4 contract and invoicing the client? 13:50:16

5 A. It's the same process. There 13:50:17  
6 may be a client or a prime vetting 13:50:21  
7 process also where we propose a resource 13:50:24  
8 and a category, the prime may say no, I 13:50:29  
9 don't like that person, but the process 13:50:32  
10 doesn't change. 13:50:35

11 Q. Are there any procedures at 13:50:36  
12 CGI Federal to ensure that the employees 13:50:38  
13 identified in labor categories at the bid 13:50:41  
14 stage are the same as when they're 13:50:44  
15 invoicing the client after the bid is, 13:50:46  
16 the opportunity is won? 13:50:49

17 MR. KLEIN: Object to the 13:50:52  
18 form. 13:50:53

19 A. What I would -- I would answer 13:50:53  
20 that to say that there are often 13:50:59  
21 requirements for what are called key 13:51:04  
22 personnel that have a time commitment or 13:51:06  
23 a length of service commitment that when 13:51:11  
24 we are bidding an opportunity, if we are 13:51:14  
25 proposing someone as key, it's expected 13:51:17

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2 that they show up, that they are the 13:51:19

3 person that we are delivering. 13:51:22

4 If a person is not proposed as 13:51:23

5 key, then no, we have no responsibility 13:51:25

6 to deliver that particular person. 13:51:28

7 Q. And where in the documentation 13:51:30

8 would we find the designation of a person 13:51:38

9 as key? 13:51:42

10 MR. KLEIN: Object to the 13:51:43

11 form. 13:51:44

12 A. Typically, that would be 13:51:44

13 included as part of our proposal 13:51:47

14 submission in an org chart or something 13:51:49

15 like that. 13:51:54

16 Q. Now, with respect to the 13:51:56

17 second page of Plaintiff's Exhibit 18, 13:52:01

18 you see there are names of specific 13:52:04

19 individuals listed on the right-hand side 13:52:06

20 for certain categories? 13:52:09

21 A. Yes. 13:52:10

22 Q. Is that an indication that 13:52:11

23 those are the people who were expected to 13:52:13

24 perform the work if the bid is won? 13:52:17

25 MR. KLEIN: Object to the 13:52:22

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2 form.

13:52:23

3 A. My understanding and

13:52:23

4 recollection is that these are

13:52:24

5 representative names of people who could

13:52:25

6 perform the work, but not that we would

13:52:27

7 necessarily be delivering.

13:52:31

8 Q. What makes you think that as

13:52:34

9 you sit here now?

13:52:39

10 A. Just my recollection of this

13:52:40

11 particular deal. Also, you'll notice in

13:52:43

12 the document it says we are providing a

13:52:47

13 rate card.

13:52:50

14 Q. Where is that?

13:52:53

15 A. The highlighted section in the

13:52:53

16 bold area.

13:52:56

17 Q. The preliminary rate card?

13:52:56

18 A. Preliminary rate card. And so

13:52:58

19 we've not -- that says to me that we have

13:53:01

20 not negotiated any specific scope of work

13:53:04

21 or specific tasking. So these people may

13:53:07

22 not be appropriate for the ultimate scope

13:53:11

23 that we end up with.

13:53:14

24 MR. HERBST: Let's have this

13:53:53

25 one marked as Bryson Exhibit 7.

13:53:55

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2 (Bryson Exhibit 7 for  
3 identification, document titled  
4 Part III - Oral technical quote  
5 presentation, business consulting  
6 services blanket purchase agreement  
7 in support of: The Department of  
8 Housing and Urban Development's  
9 (HUD's) Transformative Initiative.)

13:53:57

13:54:38

10 MR. HERBST: Would you mark  
11 this as Bryson Exhibit 8.

13:54:38

13:54:39

12 (Bryson Exhibit 8 for  
13 identification, document titled  
14 Sample Task Order 4: Housing Choice  
15 Voucher Program Phase III,  
16 Recommended Solution Analysis.)

13:54:43

13:54:43

13:54:43

13:54:43

13:54:44

17 MR. KLEIN: Before you ask any  
18 questions, Mr. Herbst, would you  
19 happen to be aware of the Bates  
20 numbers, where in the production  
21 the documents came?

13:54:44

13:54:45

13:54:47

13:54:48

13:54:50

22 MR. HERBST: I am not, I'm not  
23 even aware, I'm not aware of that  
24 so I cannot help you. But  
25 afterwards I will endeavor to find

13:54:51

13:54:53

13:54:56

13:54:58

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2 out, if you prompt me because I may 13:55:00

3 forget. 13:55:10

4 MR. KLEIN: The next question 13:55:11

5 is do you know if these documents 13:55:12

6 came from the CGI production? 13:55:13

7 MR. HERBST: I don't, but I'm 13:55:15

8 happy to try to answer that 13:55:16

9 question as well. 13:55:18

10 Q. Let's look at Bryson 7 first. 13:55:22

11 Are you familiar with this? 13:55:25

12 A. No. 13:55:26

13 Q. You've never seen this 13:55:26

14 document before? 13:55:27

15 A. Not that I recall. 13:55:28

16 Q. How about Bryson 8? 13:55:28

17 A. No. 13:55:31

18 Q. Since you do have a 13:55:33

19 recollection of this opportunity and 13:55:38

20 you've looked at documents relating to 13:55:41

21 this opportunity, can you by looking at 13:55:43

22 the documents attest to the fact that 13:55:48

23 these documents relate to that 13:55:50

24 opportunity? 13:55:52

25 A. Yes. I mean the titles are 13:55:53

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2 the same. 13:55:57

3 Q. Do you have a recollection if 13:55:57  
4 these involved, this was a HUD 13:56:02  
5 opportunity? 13:56:04

6 A. Yes. 13:56:04

7 Q. And do you have a recollection 13:56:04  
8 it involved a transformation initiative 13:56:07  
9 for HUD? 13:56:10

10 A. Yes, again, I mean that's the 13:56:11  
11 title of the opportunity. 13:56:13

12 Q. I mean you testified before 13:56:14  
13 about transformation opportunities and 13:56:16  
14 initiatives. Since you have some 13:56:20  
15 recollection apart from documents about 13:56:21  
16 the opportunity, do you remember that 13:56:23  
17 that's what this opportunity involved? 13:56:25

18 MR. KLEIN: Object to the 13:56:28  
19 form. 13:56:29

20 A. I mean I often don't get 13:56:29  
21 involved specifically in the detailed 13:56:31  
22 scope. 13:56:37

23 Q. I understand. I'm just asking 13:56:38  
24 whether you have a recollection that this 13:56:39  
25 opportunity did involve a transformation 13:56:41

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2 initiative? 13:56:46

3 A. Yes. 13:56:46

4 Q. And do you have a recollection 13:56:47

5 that there was a recommended solution 13:56:51

6 analysis for Housing Choice Voucher 13:56:56

7 Program Phase III? Take a look at Bryson 13:57:02

8 8. 13:57:04

9 A. I don't recall that 13:57:08

10 specifically, no. 13:57:09

11 Q. Now, take a look at page 89 of 13:57:09

12 Exhibit 8. The number is in the lower 13:57:32

13 right-hand corner. 13:57:35

14 A. Yes. 13:57:37

15 Q. You moved right to that one. 13:57:37

16 All right. So you see Nancy Dowdy at the 13:57:39

17 bottom, right? 13:57:42

18 A. Yes. 13:57:42

19 Q. And this page is headed, or 13:57:44

20 the slide is headed rationale for 13:57:46

21 choosing key personnel, right? 13:57:49

22 A. Yes. 13:57:51

23 Q. It says key personnel, right? 13:57:52

24 A. Yes. 13:57:54

25 Q. Is it fair to assume that by 13:57:54



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2 designating these people key personnel 13:57:56

3 that CGI was basically saying these were 13:57:59

4 the folks that were going to perform the 13:58:01

5 work? 13:58:03

6 MR. KLEIN: Object to the 13:58:04

7 form. 13:58:05

8 A. CGI was not. ICF was saying 13:58:05

9 it. 13:58:07

10 Q. ICF was saying it? 13:58:07

11 A. Yes. 13:58:08

12 Q. ICF was the prime, right? 13:58:09

13 A. Yes. 13:58:11

14 Q. And CGI was the secondary? 13:58:11

15 A. Yes. 13:58:14

16 Q. Is it fair to say ICF would 13:58:14

17 not be representing to HUD that these 13:58:17

18 people were key personnel unless CGI had 13:58:19

19 identified them as such? 13:58:22

20 A. Correct. 13:58:23

21 MR. KLEIN: Object to the 13:58:23

22 form. 13:58:24

23 Q. Okay. So these were the 13:58:25

24 people that CGI and ICF were promising or 13:58:28

25 promised to HUD were going to do the 13:58:32

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2 work, right?

13:58:35

3 MR. KLEIN: Object to the  
4 form.

13:58:36

13:58:37

5 A. We were promising that they  
6 would be part of the overall solution  
7 team, but I can also say that key  
8 personnel requirements vary. Sometimes  
9 they're quarter personnel. Like there's  
10 not a consistent definition of key  
11 personnel. Some are very strict that you  
12 must be full time on a project for a year  
13 unless you have client permission to  
14 change. Some are, you promise to deliver  
15 one hour of this person at some point in  
16 that project. And I don't know the  
17 requirements for this particular  
18 opportunity, what this meant in terms  
19 of...

13:58:37

13:58:38

13:58:41

13:58:45

13:58:50

13:58:52

13:58:54

13:58:56

13:58:59

13:59:01

13:59:03

13:59:06

13:59:08

13:59:09

13:59:15

20 Q. Take a look at Nancy Dowdy in  
21 the last. She's the same person that's  
22 listed as the second person under senior  
23 business analyst, correct?

13:59:15

13:59:17

13:59:20

13:59:22

24 A. Correct.

13:59:23

25 Q. All right. So my question is

13:59:24

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2 is it fair to say that in terms of this 13:59:34  
3 calculation that was being done or the 13:59:38  
4 rates that were being generated in 13:59:40  
5 Plaintiff's Exhibit 18, that these rates 13:59:44  
6 were specifically for Dowdy as well as 13:59:46  
7 Conklin? 13:59:50

8 MR. KLEIN: Object to the 13:59:53  
9 form. 13:59:55

10 A. I would answer that to say 13:59:55  
11 these rates were informed by the 13:59:57  
12 personnel names, but they were not 14:00:02  
13 derived specifically to account for any 14:00:05  
14 one individual or two individuals. 14:00:07

15 Q. Why don't you spell it out for 14:00:15  
16 us a little. What do you mean it was 14:00:19  
17 informed by but not derived from? 14:00:21

18 A. I would look -- as you can 14:00:23  
19 tell here, there's not an example person 14:00:24  
20 or people for each category. So I, to 14:00:26  
21 the extent that I was provided a 14:00:30  
22 representative name I would look at that 14:00:32  
23 person's salary and I would keep that in 14:00:35  
24 mind when I developed the rate but I 14:00:37  
25 didn't base the rate off of their salary. 14:00:43

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2 You know, oftentimes when I'm 14:00:44  
3 given personnel like this the salaries 14:00:47  
4 can vary widely. For example, one sample 14:00:50  
5 person could make \$80,000. The other 14:00:54  
6 person could make \$120,000. And I use as 14:00:56  
7 part of my judgment looking at the 14:00:59  
8 description and based on my knowledge of 14:01:01  
9 the labor market to develop a rate that I 14:01:04  
10 believe is accurate and appropriate for 14:01:08  
11 the role that we're bidding. 14:01:12

12 Q. But you're testifying, as I 14:01:13  
13 understand what you just said, that for 14:01:16  
14 -- to derive this rate of 140.11 you 14:01:21  
15 would have looked at Dowdy's salary? 14:01:26

16 A. Yes. 14:01:28

17 Q. And you would have looked at 14:01:28  
18 Conklin's salary? 14:01:30

19 A. Yes. 14:01:32

20 Q. Where in the database would 14:01:32  
21 you have gone to look up those salaries, 14:01:34  
22 the HR database you talked about before? 14:01:37

23 A. Yes. 14:01:39

24 Q. Does CGI still have the 14:01:43  
25 information as to what those salaries 14:01:45

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2 were at the time of this in May of 2010?

14:01:47

3 A. You would have to contact HR.

14:01:49

4 Q. To your knowledge, they would

14:01:52

5 have that, they would retain that

14:01:53

6 information in their data, right?

14:01:55

7 A. I would think so.

14:01:57

8 Q. So you could go back and we

14:01:58

9 could go back and figure out when you

14:02:03

10 looked at what the salaries were, what

14:02:04

11 they were, right?

14:02:06

12 A. Yes, presumably.

14:02:09

13 Q. Now you said you don't know

14:02:10

14 whether, whether these two salaries for

14:02:12

15 Conklin and Dowdy were different or not

14:02:15

16 and how much different they were, right?

14:02:17

17 MR. KLEIN: Object to the

14:02:19

18 form.

14:02:20

19 A. Correct, correct.

14:02:21

20 Q. So you can't really tell what

14:02:21

21 you did for the salary component of this

14:02:23

22 rate, right, you don't know whether you

14:02:25

23 actually used those two and divided them

14:02:28

24 or --

14:02:31

25 A. I can tell you I did not do

14:02:32

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2 that. That's not how our rates -- that's 14:02:34  
3 not how these rates were -- sorry. These 14:02:38  
4 rates were derived using a methodology 14:02:41  
5 that did not account specifically for any 14:02:43  
6 of these individuals. 14:02:45

7 Q. But you did look at what the 14:02:47  
8 rates were, at what their salaries were? 14:02:49

9 A. Yes. 14:02:51

10 MR. HERBST: I'm going to call 14:02:54  
11 for, request, the salaries of 14:02:55  
12 Conklin, Dowdy -- 14:02:57

13 Q. By the way, is that true for 14:02:59  
14 Ashbrook and Ahmed, and all these people 14:03:01  
15 on the list, you would have at some point 14:03:02  
16 looked at what their salary was? 14:03:03

17 A. I would have looked at them. 14:03:06

18 MR. HERBST: I'm going to 14:03:08  
19 request the actual salaries of all 14:03:09  
20 of these people which I'm assuming 14:03:11  
21 CGI still has in their database. 14:03:13

22 (Request made.) 14:03:13

23 MR. KLEIN: We'll deal with 14:03:23  
24 our responses to those requests at 14:03:23  
25 the time, I'm not going to put it 14:03:26

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2 on the record or anything of that

14:03:28

3 nature.

14:03:29

4 MR. HERBST: Let's not waste

14:03:29

5 time. But in light of the amount

14:03:31

6 of time left, let's do it sooner

14:03:35

7 rather than later.

14:03:37

8 MR. KLEIN: Why don't you

14:03:40

9 finish the deposition and after you

14:03:41

10 get your list of requests you'll

14:03:43

11 make a determination as to what

14:03:45

12 exactly you think you may need --

14:03:46

13 MR. HERBST: I'm requesting

14:03:48

14 them, but we'll give you the list

14:03:49

15 shortly after the completion of the

14:03:51

16 deposition.

14:03:52

17 Q. So let's take that 140.11

14:04:00

18 rate. Tell me -- by the way, you don't

14:04:09

19 have an actual recollection of what you

14:04:12

20 did as you sit here now to derive this

14:04:14

21 rate, do you?

14:04:16

22 A. I do.

14:04:17

23 Q. You do have an actual

14:04:17

24 recollection as you sit here of all the

14:04:19

25 steps you took to derive this rate?

14:04:20

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2 A. Yes.

14:04:22

3 Q. Tell us first of all, who  
4 requested these rates from you?

14:04:22

14:04:26

5 MR. KLEIN: Object to the  
6 form.

14:04:28

14:04:29

7 A. I'm not sure specifically who  
8 made the initial request.

14:04:30

14:04:32

9 Q. You don't remember the  
10 request?

14:04:33

14:04:34

11 A. Not the initial request, no.

14:04:35

12 Q. So you can't tell us at all  
13 who made them, who made the request?

14:04:36

14:04:40

14 A. No.

14:04:42

15 Q. Who would normally make the  
16 request?

14:04:42

14:04:46

17 A. Either the opportunity pursuit  
18 leader or the person that's in charge of  
19 staffing.

14:04:46

14:04:50

14:04:53

20 Q. And can you tell, do you have  
21 any recollection of who those people  
22 were, the opportunity pursuit leader or  
23 the person in charge of staffing?

14:04:54

14:04:56

14:04:58

14:05:00

24 A. I'm not certain for this  
25 opportunity.

14:05:02

14:05:03



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2 Q. Well you're not certain, I 14:05:03  
3 understand, but can you shed any light on 14:05:06  
4 it or do you have any recollection of who 14:05:09  
5 they might be? 14:05:11

6 A. My sense is it was probably 14:05:12  
7 Mr. Ashmore or someone that he worked 14:05:13  
8 closely with. 14:05:15

9 Q. So tell us, after getting -- 14:05:16  
10 would this come to you by telephone or by 14:05:28  
11 email, generally? 14:05:31

12 A. Typically by email. 14:05:32

13 MR. HERBST: You may well have 14:05:33  
14 produced this already, but if you 14:05:36  
15 haven't, I'm going to request the 14:05:38  
16 email that shows what the request 14:05:39  
17 was. 14:05:43

18 (Request made.) 14:05:43

19 Q. And then you'd have an email 14:05:45  
20 exchange with that person where you would 14:05:46  
21 tell him what the rates are? 14:05:48

22 A. Typically, yes. 14:05:49

23 MR. HERBST: I'll ask for all 14:05:51  
24 emails that pertain to the request 14:05:54  
25 for these rates from or to Ms. 14:05:56

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2 Bryson or anybody else who would be 14:06:01

3 involved in the process. 14:06:02

4 (Request made.) 14:06:07

5 Q. Would there be anybody else 14:06:07

6 besides you or the opportunity pursuit 14:06:08

7 leader or the person in charge of 14:06:10

8 staffing who would be emailing about what 14:06:12

9 the rates were? 14:06:14

10 A. Possibly. 14:06:15

11 Q. Who might that be? 14:06:16

12 A. It could be the controller. 14:06:18

13 It could be the account vice president. 14:06:21

14 MR. HERBST: I'll just ask 14:06:26

15 that those accounts around this 14:06:28

16 time be checked just to see if any 14:06:30

17 of these people had any input. 14:06:34

18 (Request made.) 14:06:34

19 Q. But if they didn't have any 14:06:36

20 input it would just be the opportunity 14:06:38

21 pursuit manager and you would who provide 14:06:39

22 the rates, correct? 14:06:45

23 A. Yes. 14:06:45

24 Q. So tell us what you would do 14:06:50

25 when you got the first call, or what you 14:06:54

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2 did when you got the first call asking  
3 you for the rates?

14:06:57

14:06:59

4 A. What I would do is I would  
5 request the solicitation materials.

14:07:03

14:07:05

6 Q. And what are those?

14:07:08

7 A. Those are the RFP documents  
8 either from the government or the prime  
9 contractor.

14:07:09

14:07:11

14:07:14

10 Q. And in the course of your  
11 preparation for this testimony have you  
12 reviewed the solicitation material?

14:07:14

14:07:23

14:07:25

13 A. I reviewed some information  
14 from ICF.

14:07:27

14:07:31

15 Q. What's CF?

14:07:33

16 A. ICF, from ICF, the prime.

14:07:34

17 Q. Did that include the  
18 solicitation material in the RFP  
19 documents from ICF?

14:07:37

14:07:39

14:07:41

20 A. It was not a complete  
21 solicitation package, but there were some  
22 solicitation materials. I reviewed  
23 specifically the part where it talked  
24 about labor categories and descriptions.

14:07:42

14:07:44

14:07:47

14:07:49

14:07:50

25 Q. Are you confident that that,

14:07:52

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2 what you reviewed was, what you reviewed 14:07:55

3 in preparation for the deposition was 14:07:58

4 what you reviewed at the time when you 14:07:59

5 were requested to provide the rates? 14:08:02

6 MR. KLEIN: Object to the 14:08:04

7 form. 14:08:05

8 A. Yes. 14:08:05

9 Q. And what documents -- 14:08:06

10 MR. HERBST: I assume these 14:08:10

11 have been provided to us, right? 14:08:12

12 Q. I'm going to show you those, 14:08:29

13 but so we can understand the process, 14:08:30

14 tell us what you did when you reviewed 14:08:32

15 these materials from ICF? What did you 14:08:34

16 look for in the materials and what did 14:08:36

17 you do? 14:08:38

18 A. I looked for the type of 14:08:38

19 contract. 14:08:40

20 Q. Meaning what? 14:08:42

21 A. Is it time and materials, is 14:08:43

22 it cost reimbursable, is it fixed price. 14:08:46

23 Q. And did you ascertain that 14:08:50

24 this was a time and materials contract? 14:08:51

25 A. My understanding was it was 14:08:53

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2 time and materials and that we were 14:08:54

3 providing a rate card. 14:08:56

4 Q. In fact on this page of 14:09:02

5 Exhibit 18 it says time and materials and 14:09:03

6 it says pricing type, right? 14:09:05

7 A. Yes. 14:09:07

8 Q. So there's no doubt in your 14:09:07

9 mind it was a time and materials 14:09:09

10 contract, right? 14:09:11

11 A. Right. 14:09:11

12 Q. So you ascertained it was a 14:09:12

13 time and materials contract and that you 14:09:14

14 were going to provide a rate card and 14:09:16

15 then what did you do? 14:09:18

16 A. I reviewed the labor categories 14:09:19

17 and labor category descriptions. 14:09:21

18 Q. Where did you find those? 14:09:24

19 A. In the materials provided by 14:09:25

20 ICF. 14:09:31

21 Q. And then? 14:09:32

22 A. And then I likely would have 14:09:33

23 asked if there were any representative 14:09:37

24 personnel that we planned to put into 14:09:40

25 those roles which is where these names 14:09:43

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2 came from.

14:09:45

3 Q. And then?

14:09:50

4 A. Once I had that information I

14:09:51

5 would have started to develop the rates.

14:09:52

6 Q. What did you do to develop the

14:09:56

7 rates?

14:09:59

8 A. The first thing I do is I take

14:09:59

9 the matrix which you have a copy of over

14:10:03

10 there and I begin the mapping process.

14:10:07

11 Q. What is involved in the

14:10:13

12 mapping process?

14:10:14

13 A. So we have at CGI a list of

14:10:15

14 internal roles that at a high level align

14:10:20

15 with the type of work that each

14:10:25

16 individual does and a leverage level or a

14:10:28

17 band that aligns to their relative

14:10:33

18 seniority within CGI. And so, for

14:10:38

19 example, we could have a business analyst

14:10:42

20 level 8 and so if I am creating a labor

14:10:46

21 rate for a business analyst as I did

14:10:50

22 here, I would have created a blend of

14:10:53

23 some amount of our business analyst

14:10:56

24 internal role. If I had that document I

14:10:59

25 could show you.

14:11:04

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2 Q. We're going to get into the 14:11:05  
3 documents. So then you would come up 14:11:09  
4 with a blend and then what? 14:11:10

5 A. So once I came up with my 14:11:15  
6 blended direct labor rate which would 14:11:17  
7 account for the salary, I would add our 14:11:19  
8 indirect rates. 14:11:21

9 Q. So the direct labor rate is 14:11:24  
10 just the salary? 14:11:26

11 A. Yes. 14:11:27

12 Q. And then you would add the 14:11:27  
13 indirect rates? 14:11:32

14 A. Yes. 14:11:32

15 Q. The indirect labor rates? 14:11:32

16 A. Indirect rates. 14:11:34

17 Q. And how would you calculate or 14:11:35  
18 identify the items going into the 14:11:38  
19 indirect labor rates? 14:11:42

20 MR. KLEIN: Object to the 14:11:44  
21 form. 14:11:45

22 A. I'm not involved in 14:11:45  
23 calculating the indirect rates. The 14:11:48  
24 indirect rates are calculated and 14:11:51  
25 submitted to the government each year and 14:11:54

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2 the government reviews and provides 14:11:57  
3 approval for us to use those rates. So 14:12:00  
4 once we receive that approval from the 14:12:03  
5 government we use those rates that have 14:12:05  
6 been reviewed and approved until notified 14:12:07  
7 otherwise. 14:12:10

8 Q. And what? 14:12:10

9 A. Until notified otherwise. 14:12:12

10 Either because we've moved into the next 14:12:14  
11 fiscal year or there's been a material 14:12:16  
12 change or the government doesn't approve. 14:12:19  
13 But those rates are set typically in the 14:12:21  
14 beginning of the year and that's what we 14:12:24  
15 use. 14:12:26

16 Q. And where do you go to find 14:12:26  
17 those rates, those indirect rates? 14:12:31

18 A. They come from our contracts 14:12:33  
19 or compliance department. 14:12:36

20 Q. So you would call them up or 14:12:37  
21 you would just call them up on the 14:12:41  
22 computer, how would you do it? 14:12:43

23 A. I would save the file that was 14:12:44  
24 submitted to the government or the rate 14:12:46  
25 letter from the government that approved 14:12:47



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2 the rates.

14:12:49

3 Q. And that would give you what,

14:12:56

4 one number for indirect rate that you

14:12:58

5 would add to the direct rate or would

14:13:00

6 there be several different numbers?

14:13:02

7 MR. KLEIN: Object to the

14:13:04

8 form.

14:13:05

9 A. For purposes of this

14:13:05

10 opportunity, there was an overhead rate

14:13:07

11 and G&A rate.

14:13:09

12 Q. Anything else?

14:13:10

13 A. There was likely a fee amount.

14:13:16

14 Q. Anything else?

14:13:22

15 A. I don't believe so.

14:13:23

16 Q. So would those three elements

14:13:23

17 be available to you in this rate letter?

14:13:28

18 A. From the government?

14:13:33

19 Q. Yes.

14:13:33

20 A. The overhead and G&A would,

14:13:34

21 yes. Fee is discretionary.

14:13:37

22 Q. Who would you consult or what

14:13:43

23 would you consult to determine what, if

14:13:47

24 any, fee amount to add?

14:13:49

25 A. I would consult with the

14:13:50

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2 project team. I would usually propose a 14:13:53

3 number based on my experience that seemed 14:13:57

4 appropriate for the type of work and then 14:14:00

5 would work with the team to finalize that 14:14:04

6 number depending on margin goals. 14:14:06

7 Sometimes we are directed by the prime 14:14:10

8 what fee amount to include. 14:14:13

9 Q. Do you remember if you were 14:14:19  
10 directed by the prime in this case? 14:14:20

11 A. I don't recall. 14:14:21

12 Q. And you don't recall what 14:14:22  
13 input the team had in deriving that rate? 14:14:25

14 A. I know the final fee amount is 14:14:29  
15 listed on the worksheet. I don't recall 14:14:31  
16 what it was off the top of my head. 14:14:33

17 Q. But my question is do you 14:14:34  
18 recall whether that's the rate you 14:14:37  
19 suggested or is that the rate that the 14:14:38  
20 team came up with after your suggestion? 14:14:40

21 A. I don't recall. 14:14:42

22 Q. Do you have any notes or any 14:14:42  
23 emails that would determine that? 14:14:46

24 A. No, probably not. 14:14:48

25 Q. Have you looked? 14:14:50

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2 A. No. 14:14:52

3 MR. HERBST: I'll request the 14:14:55

4 emails relating to the derivation 14:14:57

5 of the rates in this rate card -- 14:15:01

6 Q. This is a rate card; is that 14:15:04

7 right? 14:15:07

8 A. Yes. 14:15:07

9 MR. HERBST: I'll request that 14:15:08

10 the emails generated in this 14:15:09

11 process that the witness is 14:15:12

12 describing to come up with this 14:15:14

13 rate card be provided to us if they 14:15:18

14 haven't already, and I don't think 14:15:22

15 they have, but I'm happy to hear 14:15:24

16 about it if I'm wrong. 14:15:26

17 (Request made.) 14:15:26

18 Q. Okay. And so you get these 14:15:31

19 indirect rates and you add them to the 14:15:34

20 direct rates for the salary, right? 14:15:36

21 A. Yes. 14:15:39

22 Q. And then you come up with this 14:15:39

23 final, this rate on the left-hand column, 14:15:43

24 the site rate? 14:15:45

25 A. Correct. 14:15:49

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2 Q. Now, how did you determine 14:15:50  
3 what discount to put in the rate card for 14:16:08  
4 the government site rate as opposed to 14:16:10  
5 the contractor's site rate? 14:16:12

6 MR. KLEIN: Object to the 14:16:17  
7 form. 14:16:18

8 A. At the time we just offered a 14:16:18  
9 discount to overhead to represent a 14:16:20  
10 government site rate, and that was 14:16:24  
11 determined in conjunction with, I guess 14:16:27  
12 it was our, my pricing manager. It was 14:16:33  
13 determined in conjunction with a number 14:16:38  
14 of people. I don't remember who exactly 14:16:40  
15 was involved. 14:16:42

16 Q. Would the pricing manager 14:16:43  
17 typically be involved? 14:16:45

18 A. I'm honestly not sure. As I 14:16:46  
19 recall, it was something that we were 14:16:52  
20 trying to be responsive to more regularly 14:16:56  
21 and we ultimately came up with a number. 14:17:00  
22 I don't remember, I don't think it was 14:17:03  
23 specifically for this opportunity. So we 14:17:06  
24 may have already determined it prior to 14:17:08  
25 that and I used that. I don't remember 14:17:10

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2 specifically. 14:17:12

3 Q. Who was the pricing manager? 14:17:12

4 A. The pricing manager at the 14:17:14

5 time looks like it was Tracey Burger. 14:17:16

6 Q. Was she your boss? 14:17:19

7 A. No. 14:17:21

8 Q. Who was your boss? 14:17:23

9 A. At the time it would have been 14:17:24

10 Raymond Godleski. 14:17:27

11 Q. What was his position? 14:17:30

12 A. What was his position? I'm 14:17:32

13 not sure. Director of financial planning 14:17:38

14 and analysis maybe. I don't know what 14:17:40

15 his title was. Director, that was his 14:17:42

16 title. 14:17:46

17 Q. Did you have to run this rate 14:17:46

18 card by either of those two people, 14:17:48

19 Burger or the last person you mentioned? 14:17:51

20 A. No. 14:17:54

21 Q. Before you disseminated it to 14:17:55

22 the pursuit opportunity manager? 14:17:57

23 A. No. 14:18:00

24 Q. Or the staffing manager, okay. 14:18:00

25 By the way, if you do it at 14:18:16

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2 the client's site, and the client site is 14:18:18

3 the government site, right? 14:18:21

4 A. Yes. 14:18:22

5 Q. If you do it there, there's a 14:18:22

6 significant savings in cost, right, 14:18:24

7 that's why they give them a discount, 14:18:26

8 right? 14:18:29

9 MR. KLEIN: Object to form. 14:18:29

10 Q. What's the savings in cost? 14:18:30

11 A. I'm not sure I understand 14:18:33

12 exactly. 14:18:35

13 Q. What savings, what sorts of 14:18:35

14 expenses or costs do you not have if 14:18:38

15 you're at the client's site as opposed to 14:18:40

16 your own site? 14:18:42

17 MR. KLEIN: Object to form. 14:18:44

18 A. Typically it's real estate, 14:18:45

19 that's the biggest one. 14:18:46

20 Q. Just real estate? 14:18:49

21 A. Typically it's real estate. I 14:18:52

22 mean it could include other things. It 14:18:54

23 may not. It depends on the client. 14:18:56

24 Q. And is real estate a component 14:18:58

25 of G&A or overhead? 14:19:00

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2 A. I believe it's a part of 14:19:03  
3 overhead. 14:19:07

4 Q. What about office costs, 14:19:10  
5 besides real estate, the fact that you 14:19:21  
6 don't have to use your, you know, your 14:19:23  
7 workstations as opposed to the client's 14:19:25  
8 workstations, that kind of thing? 14:19:27

9 MR. KLEIN: Object to form. 14:19:29

10 A. Typically all of our members 14:19:30  
11 are still provided with a laptop. I mean 14:19:32  
12 certainly they're not using the restroom 14:19:37  
13 or the coffee and, you know, those types 14:19:39  
14 of things involved with your real estate, 14:19:43  
15 but in terms of technology equipment, I 14:19:46  
16 mean we don't generally treat our client 14:19:48  
17 site people differently. 14:19:52

18 Q. Are CGI's labor costs, either 14:19:55  
19 direct costs that you mentioned or the 14:19:59  
20 indirect costs, are they audited by the 14:20:02  
21 government? 14:20:04

22 A. Yes. 14:20:04

23 Q. How often? 14:20:05

24 A. I don't know. 14:20:06

25 Q. Who handles that? 14:20:07

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2 A. The compliance -- it would 14:20:09  
3 depend on the scope of the audit, but 14:20:13  
4 generally our compliance department is 14:20:15  
5 where they would start and then depending 14:20:18  
6 on the scope they would reach back into 14:20:21  
7 finance or pricing or contracts. It 14:20:23  
8 really depends. 14:20:28

9 Q. I don't know if I asked you 14:20:29  
10 who does the auditing? 14:20:30

11 MR. KLEIN: Object to the 14:20:33  
12 form. 14:20:34

13 A. It could vary. 14:20:34

14 Q. From? 14:20:35

15 A. They could do a pre-award 14:20:36  
16 audit in which case the government 14:20:39  
17 contracting officer folks would come out 14:20:42  
18 and look at stuff. They could do a 14:20:44  
19 post-award audit. They could be auditing 14:20:46  
20 our indirect rates in which it's a 14:20:48  
21 completely different division. I mean 14:20:51  
22 there's all kinds of audits that we're 14:20:53  
23 subject to. 14:20:55

24 Q. Is there any private auditing 14:20:55  
25 company like your own auditors, 14:21:00



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2 accountants and auditors that audit your

14:21:03

3 rates?

14:21:04

4 A. That audit our indirect rates?

14:21:04

5 Q. Yes.

14:21:06

6 A. I'm not sure.

14:21:06

7 Q. Who would know that?

14:21:07

8 A. I guess someone in compliance.

14:21:08

9 Q. Who was director of compliance  
10 at the time in 2010?

14:21:10

14:21:13

11 A. I would probably refer you to  
12 Mary Crigler, C-r-i-g-l-e-r.

14:21:17

14:21:24

13 Q. Is she still employed?

14:21:32

14 A. Yes.

14:21:33

15 Q. As what?

14:21:34

16 A. She's in our legal department.  
17 She may be part time now.

14:21:34

14:21:37

18 Q. Now let me ask you some  
19 questions about Bryson 7. What is a  
20 blanket purchase agreement?

14:21:38

14:22:12

14:22:20

21 A. A blanket purchase agreement  
22 is typically a type of contract where we  
23 agree to a list of labor categories and  
24 rates and the government is allowed to  
25 purchase off of that list of rates as

14:22:21

14:22:26

14:22:30

14:22:34

14:22:38

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2 they see fit. Generally the government 14:22:43

3 will issue a task order under that BPA. 14:22:49

4 Q. What's that? 14:22:53

5 A. A task order is a piece of 14:22:54

6 scope. Like, for example, this was 14:22:59

7 transformation initiative, they may issue 14:23:01

8 a task order that modernizes a piece of 14:23:04

9 software or they may issue a task order 14:23:10

10 to move a piece of software to a mobile 14:23:12

11 device. But essentially what a BPA does 14:23:16

12 is create a price list. 14:23:22

13 Q. Now when CGI Federal was 14:23:25

14 awarded a BPA in a government contract, 14:23:38

15 does the CGI Federal separately negotiate 14:23:41

16 pricing on task orders? 14:23:44

17 (Instruction not to answer.) 14:23:46

18 MR. KLEIN: We're afield. 14:23:46

19 MR. HERBST: No, we're not. 14:23:47

20 MR. KLEIN: No, no, I don't 14:23:49

21 think it has anything to do with 14:23:50

22 the documents that we've been 14:23:53

23 talking about. 14:23:54

24 MR. HERBST: I think if you 14:23:58

25 let the witness answer that 14:24:00

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2 question she will show you that it 14:24:01

3 does. 14:24:02

4 MR. KLEIN: You're asking her 14:24:03

5 questions about a document she says 14:24:04

6 she's never seen before. 14:24:06

7 MR. HERBST: I'm asking her 14:24:08

8 about the procedures, whether CGI 14:24:09

9 Federal separately negotiates 14:24:11

10 pricing on task orders when they're 14:24:13

11 awarded a BPA. 14:24:14

12 MR. KLEIN: Could you explain 14:24:16

13 how that has anything to do with -- 14:24:18

14 MR. HERBST: I think she will. 14:24:20

15 MR. KLEIN: I'm asking you. 14:24:22

16 We can go off the record if you 14:24:23

17 like. 14:24:24

18 MR. HERBST: I don't want to 14:24:24

19 go off the record because I don't 14:24:25

20 think going off the record is 14:24:26

21 appropriate. I don't think your 14:24:28

22 instruction not to answer is 14:24:30

23 appropriate. 14:24:31

24 MR. KLEIN: I don't think you 14:24:33

25 provided me a compelling reason why 14:24:34

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2 this is in accordance with the 14:24:37

3 court order. 14:24:39

4 MR. HERBST: This relates to 14:24:40

5 Exhibit 18, that's why, and we're 14:24:41

6 entitled to -- 14:24:43

7 MR. KLEIN: Exhibit 18 is 14:24:44

8 something that she said -- I don't 14:24:45

9 see how it's related to Exhibit 18 14:24:47

10 especially being that she said 14:24:49

11 she's never seen it. 14:24:51

12 MR. HERBST: She's seen 14:24:53

13 Exhibit 18. 14:24:54

14 MR. KLEIN: I'm sorry, she's 14:24:55

15 seen Exhibit 18. She hasn't seen 14:24:56

16 Exhibit 7 or 8. 14:24:58

17 MR. HERBST: I'm not asking 14:25:00

18 her a question about 7 or 8. I'm 14:25:01

19 asking her a question about 18. 14:25:03

20 MR. KLEIN: I'll give you a 14:25:07

21 little leeway. 14:25:09

22 Q. You probably don't remember 14:25:09

23 the question, do you? 14:25:10

24 A. Do we separately negotiate 14:25:12

25 task orders? 14:25:16

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2 Q. Yes. 14:25:16

3 A. Yes. 14:25:17

4 Q. Does Exhibit 18 have anything 14:25:17

5 to do with a negotiation of pricing on 14:25:22

6 one of those task orders in connection 14:25:27

7 with Exhibits 7 or 8? 14:25:29

8 A. There is a, on the last page 14:25:33

9 of Exhibit 18 there is a sample task. 14:25:36

10 Q. What is that? 14:25:43

11 A. This is a snapshot of a P&L 14:25:43

12 for a sample nine month task. I don't 14:26:06

13 know, I don't recall if this was 14:26:12

14 something that we created to be 14:26:15

15 illustrative or if this was something 14:26:18

16 that was proposed as part of the 14:26:21

17 opportunity. 14:26:26

18 Q. Okay, but what is the purpose 14:26:29

19 of the sample task or P&L? 14:26:30

20 A. I mean generally -- well, it 14:26:35

21 depends if it's -- if the government has 14:26:37

22 included sample tasks as part of its 14:26:42

23 request for proposal, then our response 14:26:47

24 to those sample tasks facilitate the 14:26:50

25 government's evaluation of our price and 14:26:55

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2 understanding of the requirements.

14:26:57

3 Q. Directing your attention to

14:26:58

4 Bryson 8, you see that's a sample task

14:27:01

5 order 4?

14:27:04

6 A. Yes.

14:27:04

7 Q. And is it fair to say that the

14:27:05

8 sample nine month task relates to that?

14:27:07

9 A. I don't know.

14:27:10

10 Q. Sample?

14:27:11

11 A. I don't know.

14:27:11

12 MR. KLEIN: Object to the

14:27:12

13 form.

14:27:13

14 Q. You're not sure?

14:27:13

15 A. I'm not sure.

14:27:14

16 Q. Would you be able to find out

14:27:15

17 by looking at it?

14:27:17

18 A. No, I don't think so.

14:27:17

19 Q. But you're not sure?

14:27:18

20 A. No, I can't recall. I mean --

14:27:19

21 Q. Okay. Take a look, go back

14:27:22

22 one page. What's the opportunity name?

14:27:33

23 A. HTV, BPR/BPI services.

14:27:36

24 Q. What's HCV stand for?

14:27:42

25 A. I don't recall.

14:27:44

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2 Q. Housing Choice Voucher 14:27:45

3 Program? 14:27:47

4 A. Okay. 14:27:47

5 Q. What's the title of the sample 14:27:48

6 task order, Housing Choice Voucher 14:27:52

7 Program? 14:27:55

8 A. Yes. 14:27:55

9 Q. All right, so is it fair to 14:27:56

10 say, if you can't say definitively, that 14:28:08

11 there's a reasonable possibility or 14:28:10

12 probability that this rate card and the 14:28:12

13 sample nine month task were prepared to 14:28:15

14 pursue the sample task order? 14:28:18

15 MR. KLEIN: Object to the 14:28:20

16 form. 14:28:22

17 A. I can say this rate card was 14:28:22

18 prepared in response to the HUD 14:28:26

19 transformation initiative BPA. I don't 14:28:27

20 feel comfortable confirming that the 14:28:30

21 sample task in this email correlates to 14:28:33

22 sample task order 4. 14:28:39

23 Q. And Bryson 7 is transformation 14:28:41

24 initiative, right, the overall project? 14:28:45

25 A. That's what it says. 14:28:47

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2 Q. What's the total value of this  
3 proposal?

14:28:48

14:28:53

4 A. It looks like we evaluated it  
5 at 1.46 million.

14:28:53

14:28:57

6 Q. Where do you see that?

14:29:00

7 A. At the sample task order and  
8 it says total value \$2 million.

14:29:01

14:29:07

9 Q. Right. So would that give you  
10 an indication as to whether this proposal  
11 and rate card relates just to the little  
12 piece that's the sample task order or to  
13 the overall project?

14:29:09

14:29:11

14:29:14

14:29:17

14:29:19

14 MR. KLEIN: Object to the  
15 form.

14:29:21

14:29:22

16 A. As I mentioned earlier, BPA  
17 creates a price sheet, and task orders  
18 are issued under that BPA. We often  
19 don't know how many task orders we will  
20 win under a BPA. So especially when  
21 we're a subcontractor.

14:29:22

14:29:33

14:29:39

14:29:43

14:29:45

14:29:49

22 So we evaluated this at  
23 approximately \$2 million because we felt  
24 at the time that may be what this BPA is  
25 worth to us. But in terms of, I mean I

14:29:51

14:29:54

14:29:56

14:29:59



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2 don't -- does that answer the question? 14:30:05

3 Q. You're not sure, you can't 14:30:08

4 really say whether \$2 million is for the 14:30:09

5 sample task order or for the overall 14:30:13

6 project? 14:30:15

7 MR. KLEIN: Object to the 14:30:15

8 form. 14:30:16

9 A. It's for the overall project 14:30:17

10 according to what was requested here. 14:30:18

11 Q. What's a DCM at 45 percent? 14:30:20

12 A. I'm sorry, what was the 14:30:22

13 question? 14:30:24

14 Q. Under total value, there's a 14:30:24

15 notation, DCM and it says about 45 14:30:27

16 percent depending on TO/staff mix, do you 14:30:29

17 see it? 14:30:35

18 A. DCM stands for direct 14:30:35

19 contribution margin. 14:30:37

20 Q. Is that the profit margin 14:30:38

21 expected? 14:30:40

22 A. That is a measure of profit. 14:30:40

23 Q. What's the difference between 14:30:44

24 a measure of profit and profit margin? 14:30:45

25 A. Well, I mean there are -- 14:30:47

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2 MR. KLEIN: Object to the

14:30:50

3 form.

14:30:51

4 A. DCM is calculated using only

14:30:51

5 direct and fringe costs. It doesn't

14:30:55

6 account for overhead or G&A costs. So

14:30:56

7 our true profit margin is much lower than

14:31:00

8 45.

14:31:02

9 Q. What is it? What's the true

14:31:03

10 profit margin?

14:31:07

11 MR. KLEIN: I'm going to

14:31:10

12 object to that.

14:31:11

13 Q. Is there anywhere on this that

14:31:12

14 tells you what that is?

14:31:13

15 MR. KLEIN: You can answer the

14:31:22

16 question if there's anywhere on

14:31:23

17 this document.

14:31:24

18 A. There's nowhere on this

14:31:25

19 document that would give a true profit

14:31:26

20 margin.

14:31:29

21 Q. The task order, the figures

14:31:29

22 that are in there, for example, there's a

14:31:40

23 business analyst line, right?

14:31:45

24 A. Yes.

14:31:47

25 Q. And there's a Nora Graves

14:31:47

1 KELLY L. BRYSON

2 listed, right? 14:31:50

3 A. Yes. 14:31:52

4 Q. Is she the person who CGI was 14:31:52

5 anticipating would be the business 14:31:55

6 analyst on this project at the time this 14:31:56

7 was generated? 14:32:00

8 A. Yes. 14:32:01

9 Q. And was she expected to put 14:32:01

10 1512 hours on the project? 14:32:05

11 A. Yes. 14:32:06

12 Q. And the revenue from her time 14:32:06

13 was expected to be 136276.56? 14:32:08

14 A. Yes. 14:32:08

15 Q. Now how is that revenue figure 14:32:19

16 derived? 14:32:21

17 A. That's hours, 1512 times rate. 14:32:22

18 Q. Which rate? 14:32:27

19 A. I'm not sure. I don't know if 14:32:28

20 we used the government site or contractor 14:32:33

21 site rate. I would have to calculate it 14:32:36

22 out to determine which. 14:32:38

23 Q. But if we divided the revenue 14:32:39

24 figure by the hours we'd come up with 14:32:41

25 either the contractor site rate or the 14:32:43

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2 government site rate, right?

14:32:45

3 A. Yes.

14:32:46

4 Q. And the same thing is true for  
5 all the other people listed, right?

14:32:46

14:32:49

6 A. Yes.

14:32:50

7 Q. So Ben Ashmore was expected as  
8 he was the subject matter expert on the  
9 project at that point?

14:32:50

14:32:55

14:32:58

10 A. Yes.

14:33:02

11 Q. And he was going to do 756  
12 hours?

14:33:02

14:33:05

13 A. Yes.

14:33:05

14 Q. And he was going to produce  
15 \$146,000 and change in revenue, right?

14:33:05

14:33:07

16 A. Yes.

14:33:10

17 Q. All right. Now let me ask you  
18 this question. Since the amount of the  
19 -- by the way, I notice this sheet is cut  
20 off, Mr. Klein. Do you think we could  
21 get a sheet with the rest of the figures  
22 on it?

14:33:10

14:33:21

14:33:29

14:33:31

14:33:35

14:33:37

23 MR. KLEIN: This is the sheet  
24 that we have.

14:33:37

14:33:43

25 MR. HERBST: I'm asking if you

14:33:45

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2 could produce a hard copy of this 14:33:46  
3 so we can see what else is on the 14:33:47  
4 sheet. 14:33:49

5 MR. KLEIN: You guys produced 14:33:50  
6 the document, it's your document. 14:33:52

7 MR. HERBST: Good point. I'm 14:33:55  
8 going to ask you to produce your 14:33:57  
9 copy of this email containing this 14:33:59  
10 rate card. 14:34:01

11 (Request made.) 14:34:01

12 MR. KLEIN: It's my 14:34:04  
13 understanding you should have this 14:34:04  
14 document in your possession because 14:34:05  
15 I believe the testimony from Mr. 14:34:07  
16 Ashmore's deposition was, if you 14:34:08  
17 look at the from Mr. Ashmore to the 14:34:11  
18 to Mr. Ashmore at the beginning, 14:34:14  
19 these are documents that Mr. 14:34:15  
20 Ashmore sent to his personal email 14:34:17  
21 address. So you should have these 14:34:19  
22 documents in your possession in 14:34:22  
23 electronic format. 14:34:23

24 MR. HERBST: Okay. I'm asking 14:34:25  
25 you to produce, since it was never 14:34:26

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2 produced before from what I 14:34:28

3 understand, your version of this 14:34:29

4 document. 14:34:33

5 (Request made.) 14:34:33

6 MR. KLEIN: It will be on the 14:34:36

7 list of requested items. We'll 14:34:37

8 address them then. 14:34:39

9 MR. HERBST: Correct. 14:34:41

10 Q. Now let me ask you, Ms. 14:34:46

11 Bryson, on sample task, what other 14:34:49

12 columns are there besides the cost 14:34:54

13 figure, if any, to the right which is cut 14:34:56

14 off, partially cut off across the column? 14:34:59

15 Is there any other columns typically on 14:35:02

16 it? 14:35:05

17 A. There may have been a DCM 14:35:05

18 column. 14:35:07

19 Q. A DCM column. 14:35:07

20 A. But I'm not sure if there was 14:35:10

21 in this situation. 14:35:12

22 MR. HERBST: That's the reason 14:35:16

23 I'm asking you, Stuart. 14:35:17

24 Q. Okay. So here's my question. 14:35:20

25 The total revenue expected was 1.466 14:35:24

1 KELLY L. BRYSON

2 million and change, right?

14:35:30

3 MR. KLEIN: Object to the  
4 form.

14:35:33

14:35:35

5 A. Yes.

14:35:35

6 Q. If that's true, why is the  
7 value, the total value 2 million?

14:35:35

14:35:39

8 A. Because again, this was just  
9 one of what we hoped would be many task  
10 orders under this BPA. But oftentimes  
11 task orders materialize throughout the  
12 life of a contract. This may have been  
13 what we got in the beginning and we might  
14 have gotten something else six months  
15 later.

14:35:42

14:35:45

14:35:49

14:35:56

14:36:00

14:36:04

14:36:07

14:36:09

16 Q. Now, so this is the rate card  
17 and the sample task that you provided at  
18 the time, right?

14:36:09

14:36:17

14:36:23

19 A. That I provided for internal  
20 approval, yes.

14:36:23

14:36:25

21 Q. What is ISIT overhead?

14:36:33

22 A. That's the overhead applicable  
23 to the ISIT business unit.

14:36:36

14:36:39

24 Q. Is ISIT referred to at CGI as  
25 information technologies and solutions

14:36:48

14:36:52

1 KELLY L. BRYSON

2 business unit?

14:36:54

3 MR. KLEIN: Object to form.

14:36:57

4 A. Yes.

14:36:58

5 Q. Is there any other CGI Federal

14:37:05

6 overheads that are used besides the ISIT

14:37:09

7 one?

14:37:11

8 MR. KLEIN: Object to form.

14:37:12

9 A. There's a BPS overhead but

14:37:13

10 it's rarely used.

14:37:15

11 Q. Do I understand it's your

14:37:16

12 testimony that the ISIT overhead was used

14:37:24

13 because this was a HUD contract, you

14:37:26

14 know, a federal agency contract as

14:37:31

15 opposed to a state or local contract?

14:37:33

16 A. It was used because it, the

14:37:36

17 type of, the scope of work, the scope of

14:37:39

18 work is software related, transformation

14:37:41

19 related, IT related and not business

14:37:44

20 process related.

14:37:46

21 Q. I think you told us that BPS

14:37:47

22 process related would be largely confined

14:38:19

23 to inspections and outsourcing?

14:38:22

24 MR. KLEIN: Object to the

14:38:23

25 form.

14:38:24



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2 A. It's outsourcing type work. I 14:38:25  
3 wouldn't say it's purely limited to 14:38:28  
4 inspections. It could include other 14:38:30  
5 things. But it's business process 14:38:31  
6 outsourcing is what BPS is intended to 14:38:33  
7 cover. 14:38:38

8 Q. What other things does it 14:38:38  
9 cover in terms of outsourcing besides the 14:38:40  
10 inspections that are outsourced? 14:38:42

11 MR. KLEIN: Object to the 14:38:45  
12 form. 14:38:46

13 A. There are other types of 14:38:47  
14 investigations that we do. Honestly, in 14:38:50  
15 the Federal business I'm not sure. I 14:38:54  
16 don't work very often with that part of 14:38:59  
17 the business. I don't -- I don't know 14:39:01  
18 everything that they do that they 14:39:04  
19 considered business process services. 14:39:07

20 Q. Now, is it fair to say that 14:39:14  
21 this ISIT overhead was based on the ISIT 14:39:15  
22 MOBIS schedule? 14:39:19

23 A. No. 14:39:21

24 Q. No, you didn't consult the 14:39:21  
25 ISIT MOBIS schedule? 14:39:23

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2 A. No. 14:39:25

3 Q. Why do you say it's not based 14:39:25  
4 on the ISIT MOBIS schedule? 14:39:27

5 A. Overhead is calculated based 14:39:30  
6 on our estimated costs and projected 14:39:32  
7 revenues for the fiscal year in which it 14:39:34  
8 applies. It's not based on any schedule. 14:39:38

9 Q. Take a look at page 39 of 14:40:15  
10 Bryson 7. Do you see that's an 14:40:19  
11 attachment G for key personnel 14:40:34  
12 qualification matrix? 14:40:36

13 A. Yes. 14:40:37

14 Q. You recognize that, you know 14:40:37  
15 what that is, right? 14:40:39

16 A. I can infer what it is. 14:40:41

17 Q. What is it? 14:40:44

18 A. A chart that shows why key 14:40:45  
19 personnel were selected based on their 14:40:50  
20 qualifications and years of experience 14:40:53  
21 and education. 14:40:55

22 Q. All right. Now this page 14:40:56  
23 relates to Nancy Dowdy, right? 14:40:57

24 A. Yes. 14:41:00

25 Q. It shows her as the business 14:41:00

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2 process functional leader/architect,

14:41:04

3 right?

14:41:08

4 A. Yes.

14:41:08

5 Q. Under BPA sample task order

14:41:08

6 position, right?

14:41:11

7 A. Yes.

14:41:12

8 Q. And then under that it says

14:41:12

9 MOBIS contract labor category consultant?

14:41:14

10 A. Yes.

14:41:16

11 Q. What does MOBIS labor category

14:41:17

12 refer to?

14:41:17

13 (Instruction not to answer.)

14:41:23

14 MR. KLEIN: We're done with

14:41:23

15 this line of questioning. This is

14:41:24

16 something specifically that the

14:41:26

17 judge said you could not get

14:41:26

18 questions on, this was item number

14:41:28

19 8 within your 30(b)(6) notice. She

14:41:31

20 testified as to how the rates were

14:41:33

21 derived, that is why she's here.

14:41:35

22 She's not here to testify about

14:41:38

23 MOBIS schedules or anything of that

14:41:40

24 nature.

14:41:42

25 So I'm going to direct the

14:41:43

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2 witness not answer to any questions 14:41:44  
3 about MOBIS schedules for CGI 14:41:46  
4 Group, CGI Federal, CGI ISIT, 14:41:49  
5 including without limitation how 14:41:53  
6 such schedules were generated, 14:41:55  
7 calculated, proposed and approved, 14:41:57  
8 labor categories and hourly rates 14:41:59  
9 contained in such MOBIS schedules 14:42:01  
10 and contract numbers for any 14:42:02  
11 approved MOBIS schedules. 14:42:05

12 MR. HERBST: Look, Mr. Klein, 14:42:07  
13 the witness has testified that 14:42:08  
14 MOBIS schedules had nothing to do 14:42:10  
15 with the rates involved here. Here 14:42:12  
16 is a document that suggests that it 14:42:14  
17 might and so I'm entitled I think 14:42:16  
18 to ask her, number 1, if this 14:42:20  
19 refreshes her recollection about 14:42:23  
20 that testimony, and number 2, what 14:42:24  
21 it means. I'm not asking her at 14:42:26  
22 this point what the MOBIS schedule 14:42:30  
23 rates are, but I'm trying to 14:42:32  
24 explore the answers that she's 14:42:38  
25 given, which is that the MOBIS 14:42:40

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2 contract labor categories have 14:42:44

3 nothing to do with the rates in 14:42:47

4 this opportunity. This Bryson 7 14:42:48

5 has to do with this exact business 14:42:53

6 opportunity. This document is -- 14:42:58

7 Q. Ms. Bryson, this Bryson 7 14:43:05

8 document which is labeled part III oral 14:43:09

9 technical quote presentation, this 14:43:11

10 document was generated by CGI or ICF, 14:43:13

11 right as the secondary or prime, right? 14:43:17

12 A. I assume it was generated by 14:43:20

13 us, yes. 14:43:25

14 MR. KLEIN: Once again, Ms. 14:43:27

15 Bryson has also testified that she 14:43:28

16 has -- 14:43:30

17 MR. HERBST: Wait a minute, 14:43:30

18 I'm asking a question. 14:43:31

19 MR. KLEIN: I'm going to put a 14:43:32

20 statement on the record. Ms. 14:43:34

21 Bryson has testified that she has 14:43:35

22 not seen these documents before, 14:43:37

23 and if you were to ask her how she 14:43:39

24 calculated the rates set forth in 14:43:41

25 Exhibit 18, which she testified she 14:43:43

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2 knows how she did, you would find 14:43:45

3 out how she calculated the rates. 14:43:47

4 MR. HERBST: That has nothing 14:43:51

5 to do with what I'm attempting to 14:43:53

6 ask the witness. 14:43:55

7 Q. Would you look at page 1 of 14:43:58

8 Bryson 7, ma'am. Isn't this a document 14:44:00

9 generated by either CGI or ICF? 14:44:08

10 MR. KLEIN: Object to form. 14:44:14

11 A. It appears to be a document 14:44:15

12 generated by ICF. 14:44:16

13 Q. Which was the prime for which 14:44:17

14 CGI was a partner, right? 14:44:20

15 A. Correct. 14:44:22

16 Q. And it's the very opportunity 14:44:22

17 that Plaintiff's Exhibit 18 relates to, 14:44:28

18 right? 14:44:33

19 MR. KLEIN: Object to the 14:44:34

20 form. 14:44:35

21 A. Yes. 14:44:35

22 Q. So all I'm trying to ask you 14:44:36

23 is if in fact you say that the rates have 14:44:40

24 nothing to do with MOBIS labor 14:44:45

25 categories, why does this document on key 14:44:49

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2 personnel qualifications matrix, which 14:44:51  
3 you've described what it is, talk about 14:44:53  
4 the MOBIS contract labor category? 14:44:55

5 MR. KLEIN: Object to the 14:44:58  
6 form. Once again. She's never 14:44:59  
7 seen these documents before. 14:45:01

8 Q. He's objecting to the form. 14:45:03  
9 You can answer. 14:45:05

10 A. I would answer that in two 14:45:05  
11 ways. The question that you had asked me 14:45:06  
12 originally was how does overhead relate 14:45:08  
13 to MOBIS rates and that was what I said 14:45:11  
14 that they're not related. 14:45:14

15 Secondly, ICF was our prime on 14:45:16  
16 this opportunity and they appeared to 14:45:19  
17 have been bidding this opportunity under 14:45:22  
18 their MOBIS schedule. That has nothing 14:45:24  
19 to do with us. We say ICF, we're going 14:45:27  
20 to charge a business analyst at 90.13 and 14:45:31  
21 what ICF does with that is their 14:45:35  
22 business. If they're going to charge 14:45:38  
23 Nancy Dowdy on their MOBIS schedule of 14:45:40  
24 consultant, that's, I don't know, \$180 an 14:45:44  
25 hour and they're going to take \$70 of 14:45:47

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2 profit, that's nothing to do with us.

14:45:49

3 So their MOBIS schedule and

14:45:51

4 how they're bidding it has nothing to do

14:45:53

5 with CGI. They're the prime. The rate

14:45:55

6 we bid to ICF are in this table here.

14:45:58

7 Q. But you're aware, are you not,

14:46:02

8 that the rates that are ultimately bid by

14:46:05

9 ICF, a significant component on, if you

14:46:09

10 look at 18, whatever they're bidding on

14:46:14

11 the people who are listed in the right,

14:46:20

12 who are CGI people, those are going to be

14:46:22

13 CGI personnel, right, that ICF is

14:46:28

14 bidding, right?

14:46:33

15 MR. KLEIN: Object to the

14:46:33

16 form.

14:46:34

17 A. Yes.

14:46:35

18 Q. And are you saying that CGI

14:46:35

19 has no input in telling ICF what to bid

14:46:38

20 for those particular people?

14:46:43

21 A. I mean we can -- ICF or any

14:46:45

22 prime is not obligated to tell us what

14:46:50

23 they're charging for any of our folks.

14:46:52

24 So we can certainly say I think you

14:46:54

25 should charge this amount, but they don't

14:46:57



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2 have to listen to us. Just like if 14:46:59  
3 you're buying something at Best Buy, Best 14:47:02  
4 Buy is going to sell it to you for what 14:47:05  
5 they want to sell it to you for, not 14:47:06  
6 necessarily what it cost them. I mean. 14:47:09  
7 But no, we would love to tell ICF what to 14:47:12  
8 charge for our people, but that's not, 14:47:16  
9 that's not how it works. 14:47:19

10 Q. Isn't it true in a time and 14:47:20  
11 materials contract the profit that 14:47:27  
12 bidding firms are entitled to make is 14:47:31  
13 limited to a certain percentage? 14:47:33

14 MR. KLEIN: Object to the 14:47:34  
15 form. 14:47:35

16 A. No. 14:47:36

17 Q. No? 14:47:36

18 A. Not to my knowledge. In cost 14:47:37  
19 plus type work that is true, but time and 14:47:38  
20 materials there's no limit to profit as 14:47:41  
21 far as I understand. 14:47:43

22 Q. So let me ask you, you know 14:47:47  
23 from the documents you reviewed, we're 14:47:48  
24 going to get to those, but you know from 14:47:50  
25 the documents you recently reviewed the 14:47:53

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2 profit percentage that you fixed was 14:47:55

3 about 10 percent, right? 14:47:58

4 MR. KLEIN: Object to the 14:48:05

5 form. 14:48:06

6 A. Yes. 14:48:07

7 Q. How come you didn't charge 30 14:48:07

8 percent profit? 14:48:13

9 A. Because while we don't 14:48:14

10 disclose that information to ICF, HUD 14:48:18

11 would have been within their rights to 14:48:22

12 ask CGI how they derived their rates and 14:48:26

13 HUD would not be very pleased with us if 14:48:31

14 we said we added 30 percent. It's not to 14:48:34

15 say we can't do it, but it's standard 14:48:37

16 practice to use a reasonable fee, 10 14:48:39

17 percent or lower. 14:48:43

18 But again, it depends on the 14:48:44

19 type of work. 14:48:46

20 Q. So don't you think if you had 14:48:47

21 sent ICF your rates in this rate card 14:48:51

22 based on your, you know, the figures that 14:49:03

23 you earlier testified as to how you 14:49:08

24 derived the rate card, and ICF took those 14:49:11

25 and charged another hundred dollars an 14:49:19

1 KELLY L. BRYSON

2 hour more based on their MOBIS schedule, 14:49:22  
3 you don't think HUD would have been 14:49:24  
4 upset? 14:49:27

5 MR. KLEIN: Object to the 14:49:28  
6 form. 14:49:29

7 A. I can't -- I can't speak to 14:49:30  
8 that. I mean there's a lot of 14:49:32  
9 considerations that ICF has to make being 14:49:33  
10 prime when they're using a schedule. 14:49:37  
11 They could have had another partner that 14:49:41  
12 bid someone that qualified as a 14:49:43  
13 consultant labor category that told them 14:49:45  
14 it was \$120 an hour. So now they have 14:49:48  
15 all these different price points that sit 14:49:50  
16 under one category. It's up to them to 14:49:53  
17 determine how they invoice the government 14:49:55  
18 for that and in the event that they get 14:49:57  
19 audited and the government wants to see 14:49:59  
20 their costs and feels that they've been 14:50:01  
21 receiving excessive profit, that's their 14:50:06  
22 issue. 14:50:07

23 But as far as we're concerned, 14:50:08  
24 this is the price that we're charging. 14:50:10  
25 What ICF charges the government we have 14:50:12

1 KELLY L. BRYSON

2 no say in. 14:50:14

3 Q. Okay, I can understand how you 14:50:14  
4 derive the rate for let's say senior 14:50:17  
5 business analyst, because there were two 14:50:20  
6 CGI employees who were going to do that 14:50:23  
7 work, right? 14:50:25

8 A. They were representative 14:50:25  
9 employees that I considered when 14:50:27  
10 developing our rates. 14:50:29

11 Q. But you knew the project 14:50:30  
12 administrator was going to be an ICF 14:50:32  
13 person, right, not a CGI person; isn't 14:50:34  
14 that true? 14:50:36

15 A. Not necessarily. 14:50:37

16 Q. Why wasn't the CGI person 14:50:38  
17 listed for that? 14:50:42

18 A. Because we didn't have a 14:50:43  
19 representative person and we thought it 14:50:44  
20 was unlikely that we would have that 14:50:45  
21 role. But oftentimes just because these 14:50:47  
22 are the people that we have ready and 14:50:51  
23 available doesn't mean that two years 14:50:54  
24 later into the BPA that we won't want to 14:50:56  
25 have a project administrator. 14:51:00

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2 Q. Didn't you put -- but if you 14:51:03  
3 didn't have a person, a CGI person that 14:51:05  
4 you planned to use for project 14:51:09  
5 administrator, there was no salary that 14:51:10  
6 you could consult, right, initially for a 14:51:13  
7 CGI person, right? 14:51:17

8 A. But I don't use salary to 14:51:18  
9 develop rates. 14:51:21

10 Q. How did you develop 77.62 for 14:51:28  
11 project administrator? 14:51:31

12 A. I read the description of what 14:51:33  
13 they were looking for in a project 14:51:35  
14 administrator, I used my knowledge based 14:51:37  
15 on what I do about, overall in the ISIT 14:51:39  
16 market, what a typical project 14:51:44  
17 administrator makes and I developed a 14:51:46  
18 rate based on that. 14:51:48

19 Q. Well you earlier testified I 14:51:50  
20 think that the hourly rates in the ICF 14:51:59  
21 MOBIS schedule might have been 14:52:02  
22 significantly higher than the rate you 14:52:04  
23 were using, correct? 14:52:06

24 MR. KLEIN: Object to form. 14:52:08

25 A. I don't know what ICF's MOBIS 14:52:09

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2 rates are.

14:52:11

3 Q. Were you familiar with what  
4 the MOBIS rates were?

14:52:12

14:52:13

5 A. No.

14:52:14

6 Q. You wouldn't have inquired of  
7 what the ICF MOBIS rates were?

14:52:15

14:52:17

8 A. I don't think so. I don't  
9 recall inquiring. I mean it's public  
10 information, I could look it up, but no.

14:52:19

14:52:22

14:52:23

11 Q. Did CGI have a MOBIS schedule  
12 that you could have consulted?

14:52:26

14:52:30

13 A. We do.

14:52:31

14 Q. And when do you consult the  
15 MOBIS schedule in devising these rates  
16 for the rate cards like this?

14:52:32

14:52:33

14:52:36

17 A. I don't.

14:52:37

18 Q. Never?

14:52:37

19 A. If we are pursuing an  
20 opportunity in which we're prime that is  
21 a MOBIS opportunity, then I would use the  
22 MOBIS rate schedule. I wouldn't do this.  
23 We already have MOBIS rates and those are  
24 the rates that I would use.

14:52:38

14:52:43

14:52:45

14:52:48

14:52:50

14:52:53

25 Q. And you would have used the

14:52:54

1 KELLY L. BRYSON

2 ISIT MOBIS rates? 14:52:57

3 A. There's only one set of CGI 14:53:00

4 MOBIS rates. It's a MOBIS schedule. 14:53:03

5 It's a price list and those are the rates 14:53:06

6 I would have used. 14:53:07

7 Q. So whether the opportunity is 14:53:08

8 a BPS or ISIT you would use that one 14:53:10

9 MOBIS schedule? 14:53:13

10 A. Correct. 14:53:14

11 Q. And that's public information? 14:53:15

12 A. I believe MOBIS is public, 14:53:16

13 yes. 14:53:17

14 Q. And I might have heard wrong, 14:53:17

15 but did you say the MOBIS schedules are 14:53:19

16 submitted and approved every year? 14:53:23

17 A. No. 14:53:25

18 Q. How often are they approved? 14:53:25

19 (Instruction not to answer.) 14:53:28

20 MR. KLEIN: We're done with 14:53:28

21 MOBIS. She testified MOBIS was not 14:53:28

22 used in this rate by her. So 14:53:32

23 whether or not CGI uses MOBIS rates 14:53:34

24 for other pursuits is not relevant 14:53:37

25 and I would instruct the witness 14:53:39

1 KELLY L. BRYSON

2 not to answer any further questions 14:53:40

3 regarding CGI's use of MOBIS rates 14:53:42

4 in other pursuits. 14:53:46

5 MR. HERBST: Would you mark 14:53:54

6 that for a ruling, please. 14:53:55

7 (A recess was taken.) 15:13:22

8 Q. So I think it's time to show 15:19:02

9 you the documents that we were provided 15:21:55

10 yesterday afternoon. 15:22:03

11 MR. HERBST: Would you mark 15:22:14

12 this as Bryson Exhibit 1. 15:22:15

13 (Bryson Exhibit 1 for 15:22:17

14 identification, Bates stamped 15:22:17

15 CGI\_ASHMORE 2015411 through 15:22:17

16 2015421.) 15:22:18

17 Q. I'm first going to show you 15:22:18

18 Bryson 1. For the record, it seems to 15:22:20

19 consist of 11 pages and it bears a CGI 15:22:23

20 copyright in the lower right-hand corner. 15:22:36

21 Have you seen that document before? 15:22:45

22 A. Yes. 15:22:46

23 Q. When did you first see this 15:22:49

24 document? 15:23:02

25 A. This is an example of a cost 15:23:03



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2 narrative that I mentioned earlier. So I

15:23:07

3 would have helped prepare this.

15:23:11

4 Q. You would have helped prepare

15:23:14

5 this document?

15:23:16

6 A. Yes.

15:23:16

7 Q. And how did you go about

15:23:16

8 preparing it?

15:23:18

9 A. We have a variety of templates

15:23:18

10 that we use to pull cost narratives

15:23:22

11 together.

15:23:29

12 Q. When you say you have a

15:23:32

13 variety, how many?

15:23:34

14 A. I would say maybe three or

15:23:34

15 four different ones.

15:23:40

16 Q. And which one is this?

15:23:42

17 A. This one would be a cost plus

15:23:44

18 type template because this is what we

15:23:52

19 submitted to the government.

15:23:57

20 Q. When did you submit this to

15:24:03

21 the government?

15:24:04

22 A. It looks like June 1st, 2010.

15:24:05

23 Q. That date in the lower

15:24:10

24 left-hand corner of the first page is the

15:24:11

25 date submitted to the government?

15:24:13

1 KELLY L. BRYSON

2 A. Yes. 15:24:14

3 Q. And what occasioned your 15:24:14  
4 submitting it to the government? 15:24:18

5 A. That would have been the RFP 15:24:19  
6 due date. 15:24:24

7 Q. For this particular 15:24:25  
8 opportunity you mean? 15:24:26

9 A. Yes. 15:24:27

10 Q. But would you have used this 15:24:27  
11 cost narrative in connection with any 15:24:32  
12 other opportunities? 15:24:33

13 MR. KLEIN: Object to the 15:24:35  
14 form. 15:24:36

15 A. This specific one? 15:24:36

16 Q. Yes. 15:24:38

17 A. Not this specific one. 15:24:38

18 Q. Did you prepare a cost 15:24:40  
19 narrative for every opportunity that you 15:24:41  
20 got to the step 3 process? 15:24:46

21 A. Not every opportunity, but the 15:24:47  
22 majority of them. 15:24:49

23 Q. Most of them? 15:24:50

24 A. Yes. 15:24:50

25 Q. You would have a separate one 15:24:51

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2 for each opportunity?

15:24:53

3 A. Yes.

15:24:54

4 Q. How many opportunities did you

15:24:54

5 provide rates for, let's say, in 2010,

15:24:56

6 approximately?

15:24:58

7 MR. KLEIN: Object to the

15:24:59

8 form.

15:25:00

9 Q. An estimate?

15:25:01

10 A. Rates? I don't know, I would

15:25:02

11 guess between 30 and 40.

15:25:04

12 Q. How many cost narratives did

15:25:09

13 you prepare in 2010, estimate?

15:25:10

14 A. Probably the same range, maybe

15:25:15

15 25 to 35. The majority of them have cost

15:25:17

16 narratives associated with them.

15:25:20

17 Q. When you said you had three or

15:25:24

18 four cost narratives, you had a variety,

15:25:26

19 three or four, what did you mean?

15:25:28

20 MR. KLEIN: Object to the

15:25:30

21 form.

15:25:31

22 A. We had different templates.

15:25:31

23 So what this template or what this

15:25:33

24 narrative does is provides a lot of the

15:25:34

25 detail of the methodology of how we

15:25:37

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2 derived our rates. When that detail is 15:25:39  
3 not necessary or if it is a schedule 15:25:44  
4 purchase, there is a different template 15:25:48  
5 that we would start with as our basis 15:25:51  
6 because this detailed methodology 15:25:53  
7 information wouldn't be relevant or 15:25:55  
8 necessary for those types of deals. 15:25:57

9 Q. That's what I'm trying to 15:26:01  
10 understand. You said a schedule what? 15:26:03

11 A. Purchase. 15:26:04

12 Q. Matrix you said or what? 15:26:05

13 A. Purchase. 15:26:07

14 Q. Schedule purchase? 15:26:07

15 A. Yes. If we win this BPA, for 15:26:09  
16 example, we've already submitted our 15:26:14  
17 rates to ICF, we've already submitted 15:26:17  
18 this information to the government. This 15:26:19  
19 information at this level of detail 15:26:21  
20 wouldn't be necessary in the future most 15:26:22  
21 likely. So our narrative for any task 15:26:25  
22 order proposals will look very different 15:26:30  
23 from this one. 15:26:33

24 Q. First of all, what's RCF? 15:26:33

25 A. I don't know. I don't know 15:26:36

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2 what RCF is. 15:26:39

3 Q. You mentioned RCF in a 15:26:40

4 previous answer. Oh, ICF. Thank you. 15:26:45

5 So what I'm trying to 15:26:56

6 understand is, you said there are three 15:26:57

7 or four different templates that you use 15:27:01

8 that result in 30 to 40 cost narratives, 15:27:03

9 right? 15:27:06

10 A. Yes. 15:27:07

11 Q. So I'm trying to understand 15:27:07

12 which template is this among the three or 15:27:14

13 four? 15:27:16

14 A. This would be a cost plus type 15:27:16

15 template because it describes our cost 15:27:18

16 and rate buildup methodology. 15:27:20

17 Q. What are the other templates? 15:27:27

18 A. We have a schedule template. 15:27:29

19 We have I guess a more generic time and 15:27:35

20 materials template. And then there are 15:27:37

21 lots of situations where we may hybridize 15:27:42

22 between a couple of different types of 15:27:46

23 templates. I mean the templates are 15:27:48

24 really just a starting ground. Every 15:27:50

25 proposal is different. Every RFP 15:27:52

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2 requests different information to be 15:27:56  
3 included in the cost volume. 15:27:57

4 Q. So how does the cost plus 15:28:00  
5 template differ from the generic time and 15:28:03  
6 materials template? 15:28:07

7 A. Because again -- 15:28:08

8 Q. I ask that question because 15:28:09  
9 you earlier testified this was a time and 15:28:11  
10 materials contract? 15:28:14

11 A. Correct. This is a time and 15:28:14  
12 materials contract. However, because we 15:28:18  
13 were establishing these rates for the 15:28:21  
14 first time, we submitted this template 15:28:23  
15 which includes a lot of the cost buildup 15:28:27  
16 information so the government could 15:28:30  
17 understand how we arrived at our rate. 15:28:32

18 And then going forward, for 15:28:33  
19 any task order proposal we would use a 15:28:36  
20 time and materials template because the 15:28:39  
21 rates had already been established at 15:28:41  
22 that point. 15:28:42

23 Q. So you mean the time and 15:28:44  
24 materials template builds on the cost 15:28:46  
25 plus template that's always submitted the 15:28:51

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2 first time on a time and materials 15:28:53

3 contract? 15:28:55

4 MR. KLEIN: Object to form. 15:28:56

5 A. I wouldn't say they build upon 15:28:57

6 one another, but this information in this 15:28:59

7 template is necessary for the government 15:29:03

8 to understand how their rates are 15:29:04

9 derived. Once we receive an award, then 15:29:07

10 the schedule is created. So going 15:29:09

11 forward we don't need to provide this 15:29:12

12 level of detail because the rates have 15:29:14

13 already been awarded and approved. 15:29:16

14 Q. What's the difference between 15:29:18

15 a cost plus contract and a time and 15:29:19

16 materials contract? 15:29:21

17 A. A cost plus contract is a 15:29:21

18 contract where we are reimbursed for our 15:29:26

19 cost plus an amount of fee. 15:29:32

20 Q. And the fee is like a profit? 15:29:35

21 A. Yes. 15:29:37

22 Q. What are the profit ranges 15:29:40

23 that typically you get in a cost plus? 15:29:42

24 (Instruction not to answer.) 15:29:44

25 MR. KLEIN: We're going to be 15:29:44

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2 finished with this line of 15:29:46

3 questioning. Once again, it's 15:29:47

4 completely -- 15:29:48

5 MR. HERBST: I don't think so. 15:29:50

6 I'm entitled to test whether and 15:29:52

7 why this particular template was 15:29:54

8 used opposed to a time and 15:29:55

9 materials. 15:29:58

10 MR. KLEIN: So you can ask her 15:29:59

11 if -- 15:30:00

12 MR. HERBST: No, I can ask it 15:30:00

13 my own way and I'm trying to do 15:30:03

14 that and your objections really are 15:30:05

15 not apt. I'm entitled to ask. 15:30:07

16 MR. KLEIN: I'm going to 15:30:09

17 object to her answering any 15:30:10

18 questions about profits on any 15:30:12

19 other projects other than the ones 15:30:14

20 at issue. 15:30:17

21 MR. HERBST: Can you repeat my 15:30:33

22 question. 15:30:35

23 (Record read as requested.) 15:30:36

24 MR. KLEIN: I'm going to 15:30:36

25 instruct the witness not to answer 15:30:37



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2 that question unless it relates 15:30:39  
3 specifically to the contracts at 15:30:40  
4 issue. 15:30:41

5 MR. HERBST: She used a cost 15:30:42  
6 plus template, so I'm entitled to 15:30:46  
7 ask. 15:30:47

8 Q. What's the typical profit 15:30:49  
9 range in a cost plus contract? 15:30:51

10 MR. KLEIN: You can answer 15:30:53  
11 what the -- I'll let the witness 15:30:54  
12 answer what the profit range is in 15:30:57  
13 this contract. 15:30:59

14 MR. HERBST: You're 15:30:59  
15 obstructing my deposition, Mr. 15:31:00  
16 Klein. 15:31:02

17 MR. KLEIN: I'm not 15:31:06  
18 obstructing it. 15:31:07

19 MR. HERBST: Yes, you are. 15:31:08  
20 You're getting to the point where 15:31:09  
21 you are obstructing and 15:31:12  
22 interfering, this objection is 15:31:20  
23 really, really not apt. 15:31:23

24 MR. KLEIN: I would maintain 15:31:25  
25 that a majority of the questions 15:31:26

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2 that have been asked today have 15:31:28  
3 been, if not most of them, have 15:31:29  
4 been far afield of what has been 15:31:31  
5 permissible by Judge Cott and this 15:31:34  
6 is just essentially a fishing 15:31:36  
7 expedition. I will let Ms. Bryson 15:31:37  
8 answer questions specifically 15:31:42  
9 regarding this document. I'm not 15:31:43  
10 going to have her answer questions 15:31:45  
11 that are unrelated to the limited 15:31:46  
12 issues that Judge Cott allowed in 15:31:49  
13 this limited 30(b)(6) deposition. 15:31:52  
14 If you want to ask a general 15:31:56  
15 question as to -- I'll let you ask 15:31:58  
16 the general question and I'll see 15:32:01  
17 what Ms. Bryson's answer is, how 15:32:03  
18 about that? 15:32:05

19 MR. HERBST: I did ask a 15:32:06  
20 general question. Why don't you 15:32:08  
21 read it back. 15:32:09

22 (Record read as requested.) 15:32:10

23 MR. KLEIN: To the extent you 15:32:23  
24 know the answer, if there is a 15:32:24  
25 typical profit range. 15:32:25

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2 A. I would say there's not a 15:32:26  
3 typical profit range because even within 15:32:27  
4 cost plus contracts there are different 15:32:30  
5 types of cost plus contracts. 15:32:31

6 Q. What are the types? 15:32:33

7 A. There's cost plus incentive 15:32:34  
8 fee, there's cost plus fixed fee, there's 15:32:36  
9 cost plus award fee. 15:32:39

10 Q. Incentive fee, what else? 15:32:42

11 A. Fixed fee, award fee and they 15:32:43  
12 all have different ranges that may be 15:32:48  
13 appropriate, and even within a particular 15:32:52  
14 type you may bid different profit ranges 15:32:55  
15 on different portions of the deal. 15:32:58

16 Q. But you have one template for 15:33:00  
17 cost plus. How do they differ for an 15:33:02  
18 incentive fee cost plus, a fixed fee cost 15:33:07  
19 plus and an award fee cost plus? 15:33:11

20 A. Well a template is a starting 15:33:13  
21 point and you customize it based on 15:33:16  
22 whatever opportunity that you're working 15:33:18  
23 toward. I don't think it's fair to say 15:33:20  
24 that just because you're starting from 15:33:21  
25 one template means that your resultant 15:33:23

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2 document is going to look identical. 15:33:28

3 Q. Is there a typical range in 15:33:33

4 incentive fee versus a fixed fee and an 15:33:35

5 award fee? 15:33:38

6 MR. KLEIN: Object to the 15:33:39

7 form. 15:33:40

8 A. I would say we don't often bid 15:33:41

9 incentive fee type deals so I can't 15:33:46

10 answer that. But that for award fee type 15:33:49

11 work we tend to bid a higher fee than a 15:33:51

12 fixed fee because some portion of the 15:33:53

13 award fee is our risk based on 15:33:55

14 performance rather than being guaranteed 15:33:59

15 as it would be in a fixed fee scenario. 15:34:01

16 Q. Are both the fixed fee and 15:34:04

17 award fee generally higher than the 10 15:34:06

18 percent on this one? 15:34:08

19 A. No. 15:34:09

20 Q. Are they lower? 15:34:09

21 A. Yes. 15:34:11

22 Q. So before we were interrupted 15:34:11

23 and resolved that issue, I was trying to 15:34:39

24 understand the differences between the 15:34:40

25 cost plus template and the time and 15:34:42

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2 materials template. 15:34:44

3 A. So the first time that we're 15:34:46

4 bidding a list of rates the government 15:34:48

5 needs to understand how we derived that 15:34:52

6 rate. And this document, or more 15:34:53

7 generically the cost plus template, 15:34:59

8 describes in pretty great detail how we 15:35:01

9 arrived at the rate. And that's why this 15:35:05

10 template was used for this opportunity 15:35:08

11 because it was the first time we were 15:35:10

12 proposing these rates. HUD needed to see 15:35:11

13 and understand how we calculated these 15:35:16

14 rates. 15:35:18

15 Going forward, assuming that 15:35:19

16 we were awarded contract, HUD would have 15:35:21

17 already reviewed these materials, they 15:35:24

18 would have accepted our rates as 15:35:25

19 calculated and therefore, this 15:35:27

20 information wouldn't be necessary. 15:35:29

21 Q. But you mentioned a generic 15:35:32

22 time and materials template. Isn't that 15:35:34

23 one that you could use as a starting 15:35:36

24 point on a time and materials contract? 15:35:39

25 A. Sure. 15:35:40

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2 Q. So I'm trying to understand 15:35:41  
3 why you chose to use the cost plus 15:35:43  
4 generic instead of the time and materials 15:35:46  
5 generic since this was a time and 15:35:50  
6 materials contract? 15:35:52

7 A. Because I needed to describe, 15:35:52  
8 again, the methodology and how they 15:35:55  
9 relate. Because all rates start as cost 15:35:56  
10 plus rates, or the majority of rates 15:35:59  
11 start as cost plus rates. And this 15:36:01  
12 document details how those rates are 15:36:03  
13 derived. And then once the rates are 15:36:05  
14 accepted, then you move to a time and 15:36:09  
15 materials scenario. 15:36:12

16 Q. So what items go into the cost 15:36:13  
17 and what items go into the plus? 15:36:19

18 MR. KLEIN: Object to the 15:36:23  
19 form. 15:36:25

20 A. The cost includes your direct 15:36:25  
21 labor and any indirect rates that you may 15:36:28  
22 have and the plus is your fee. 15:36:31

23 Q. In the time and materials 15:36:42  
24 generic what is the cost? 15:36:44

25 A. There is no cost. It's a 15:36:45

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2 fully burdened rate.

15:36:46

3 Q. How is a fully burdened rate  
4 calculated?

15:36:48

15:36:52

5 A. The way that's described in  
6 this document.

15:36:52

15:36:54

7 Q. In this document?

15:36:55

8 A. Yes.

15:36:55

9 Q. So this document describes  
10 fully burdened rates?

15:37:01

15:37:03

11 A. Yes.

15:37:04

12 Q. What is a fully burdened rate?

15:37:04

13 A. It is a rate that includes  
14 your direct labor plus your applicable  
15 indirect, plus fees.

15:37:06

15:37:08

15:37:10

16 Q. I want to direct your  
17 attention to the first page of that  
18 document where you say three lines from  
19 the bottom, "Each direct labor role rate  
20 is an average of actual salaries for  
21 employees classified in that particular  
22 role as of April 20, 2010."

15:37:47

15:37:48

15:37:50

15:37:54

15:37:57

15:37:59

15:38:01

23 Do you see that?

15:38:06

24 A. Yes.

15:38:07

25 Q. What do you mean by that?

15:38:07

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2 A. It means that, as I mentioned 15:38:08  
3 earlier, everyone at CGI is classified 15:38:11  
4 into a role that aligns with the type of 15:38:15  
5 work that they do, and we query that 15:38:19  
6 information from the HR system and 15:38:22  
7 calculate an average of everyone in each 15:38:26  
8 of those particular roles and that's how 15:38:28  
9 we derive direct labor. 15:38:34

10 Q. But in the case where you know 15:38:35  
11 the individuals involved, like a 15:38:38  
12 Plaintiff's Exhibit 18, why wouldn't you 15:38:42  
13 use the actual salaries for each person? 15:38:44

14 MR. KLEIN: Object to the 15:38:47  
15 form. 15:38:48

16 A. Because we weren't bidding, 15:38:48  
17 generally speaking we're not bidding 15:38:51  
18 those people as key. We may hire 15:38:53  
19 different people. They may be engaged on 15:38:55  
20 other things when we win the work. So 15:38:58  
21 they are representative and they're 15:39:00  
22 helpful for me to understand the types of 15:39:02  
23 people that we plan to engage on the 15:39:04  
24 opportunity, but they're not necessarily 15:39:09  
25 the people that will be on the 15:39:10



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2 opportunity. They're just examples.

15:39:12

3 Q. So if these people were

15:39:15

4 denominated as key people then you would

15:39:17

5 have used their actual salaries, correct?

15:39:19

6 MR. KLEIN: Object to the

15:39:21

7 form.

15:39:22

8 A. For a time and material, for

15:39:23

9 what we're -- for the development of a

15:39:25

10 time and materials list of rates,

15:39:27

11 probably not.

15:39:31

12 Q. Why not?

15:39:32

13 A. Because just because one --

15:39:33

14 because you may have more than one person

15:39:39

15 in the labor category. If, for example,

15:39:41

16 business analyst is a very generic labor

15:39:44

17 category. We could bid someone as a key

15:39:46

18 business analyst and still have six other

15:39:49

19 business analysts so it wouldn't make

15:39:51

20 sense that the entire business analyst

15:39:53

21 rate be based on one person when there is

15:39:55

22 a much larger pool of people that still

15:39:57

23 qualify for that labor category.

15:40:01

24 Q. But in this particular

15:40:02

25 opportunity Mr. Ashmore was the business

15:40:04

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2 opportunity manager, right?

15:40:07

3 MR. KLEIN: Object to the  
4 form.

15:40:12

15:40:13

5 A. I don't know what you mean by  
6 business opportunity manager.

15:40:14

15:40:15

7 Q. I think we went over -- well  
8 what's a subject matter expert, that's  
9 how his role is denominated?

15:40:17

15:40:29

15:40:31

10 A. He would have been one of  
11 potentially several subject matter  
12 experts.

15:40:33

15:40:35

15:40:38

13 Q. But he's the only one listed?

15:40:38

14 A. That's irrelevant.

15:40:40

15 Q. It's irrelevant. And in what  
16 category was he?

15:40:42

15:40:46

17 MR. KLEIN: Object to the  
18 form.

15:40:49

15:40:50

19 A. Like you said, he's listed  
20 here as subject matter expert.

15:40:51

15:40:53

21 Q. You said there were a bunch of  
22 different subcategories in subject matter  
23 expert. So which one was he?

15:40:55

15:40:57

15:41:00

24 A. I don't believe that that's  
25 what I said.

15:41:01

15:41:02

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2 Q. I thought you said that there 15:41:03  
3 were a bunch of different categories of 15:41:08  
4 subject -- 15:41:11

5 MR. KLEIN: She said business 15:41:13  
6 analysts. 15:41:14

7 Q. Excuse me, subject matter 15:41:14  
8 expert 6, 7, 8 and so forth? 15:41:18

9 A. That's how people are 15:41:20  
10 classified in the PSA system, in our HR 15:41:21  
11 system. That doesn't align to this. 15:41:28

12 Q. Well how many different 15:41:33  
13 categories of subject matter expert are 15:41:35  
14 there in your HR system? 15:41:37

15 A. Subject matter expert is 15:41:39  
16 grouped with business analyst and there 15:41:45  
17 aren't different categories, there's 15:41:46  
18 different levels. 15:41:48

19 Q. That's what I meant, levels. 15:41:50

20 A. I don't know. I mean 15:41:51  
21 generally it goes from about 7 to 16, but 15:41:54  
22 we don't necessarily have all of them 15:41:58  
23 represented at any given time. 15:42:00

24 Q. So how would you derive the 15:42:01  
25 blend that you're talking about for 15:42:05

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2 subject matter expert here?

15:42:06

3 A. I would use my professional

15:42:08

4 discretion to blend the roles such that I

15:42:11

5 arrived at a rate that was appropriate

15:42:19

6 for that labor category as described.

15:42:20

7 Q. And you would review what in

15:42:25

8 order to make that determination?

15:42:27

9 A. The labor category

15:42:28

10 description. It's a big one. I would

15:42:31

11 review representative personnel. I may

15:42:34

12 solicit salary information from

15:42:39

13 recruiting or from our compensation team.

15:42:42

14 There's a variety of places where I may

15:42:46

15 get information that helped me determine

15:42:48

16 how to best map a rate.

15:42:51

17 Q. Do you remember what you did

15:42:53

18 in this case?

15:42:55

19 A. My professional discretion.

15:42:55

20 Q. I mean do you remember what

15:42:59

21 sources you consulted before using your

15:43:02

22 professional discretion?

15:43:03

23 A. I looked at these salaries and

15:43:04

24 I also used just the knowledge I have

15:43:07

25 from doing my job every day of

15:43:10

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2 approximately what a lot of these labor 15:43:12  
3 categories would command in the 15:43:15  
4 marketplace. 15:43:17

5 Q. Now when you said you looked 15:43:17  
6 at these salaries your finger was 15:43:19  
7 pointing to the right-hand column on that 15:43:22  
8 rate card, the first page of Exhibit 18, 15:43:26  
9 with the names, right? 15:43:27

10 A. Right. 15:43:29

11 Q. So is your professional 15:43:30  
12 discretion the last word? 15:43:46

13 A. No. 15:43:48

14 Q. Who else weighs in with their 15:43:48  
15 professional discretion before this rate 15:43:51  
16 card is generated in 18? 15:43:54

17 MR. KLEIN: Object to the 15:43:56  
18 form. 15:43:57

19 A. That's what this executive 15:43:58  
20 step review process is for, and if the 15:43:59  
21 they feel our price is too high or if 15:44:01  
22 they feel that a rate is inappropriate 15:44:03  
23 they are more than welcome to weigh in 15:44:05  
24 and we discuss that until we come up with 15:44:07  
25 the rates that everybody feels is 15:44:10

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2 appropriate. 15:44:11

3 Q. Is that done mostly by email? 15:44:12

4 A. It varies. 15:44:19

5 Q. Well when it's done by 15:44:20

6 telephone you make a record of the call? 15:44:21

7 A. The PMO is, the project 15:44:23

8 management office does take minutes. Do 15:44:26

9 they record it? No, but they do take 15:44:31

10 minutes and action items. 15:44:33

11 Q. Minutes and action items? 15:44:34

12 A. Yes. 15:44:36

13 MR. HERBST: I'm going to 15:44:39

14 request all emails, minutes and 15:44:40

15 action items relating to the 15:44:42

16 generation of the rates in this 15:44:43

17 opportunity. 15:44:45

18 (Request made.) 15:44:45

19 Q. At the time in 2010, in terms 15:45:19

20 of people in your unit, in the pricing 15:45:22

21 unit, who else would weigh in besides 15:45:26

22 you? 15:45:29

23 A. If I was engaged on an 15:45:31

24 opportunity where I felt I needed help or 15:45:34

25 was unsure, I would consult with my 15:45:36

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2 manager. 15:45:38

3 Q. Who was? 15:45:40

4 A. Tracey -- well, Tracey Burger 15:45:40

5 was the manager of the pricing department 15:45:44

6 but she was not my manager. But I would 15:45:45

7 consult with her on pricing related 15:45:48

8 issues if I had concerns. 15:45:49

9 Q. Would you also consult with 15:45:50

10 your manager? 15:45:53

11 A. Generally not for pricing 15:45:53

12 related stuff. 15:45:55

13 Q. Why not? 15:45:55

14 A. Because he doesn't do pricing. 15:45:56

15 Q. So did you consult with Tracey 15:45:59

16 Burger on this one? 15:46:01

17 A. I don't think so. This was a 15:46:02

18 small, straightforward opportunity. I 15:46:03

19 don't -- I don't recall that there was 15:46:07

20 any reason to need to consult with Tracey 15:46:08

21 on this. 15:46:11

22 Q. But you haven't actually gone 15:46:11

23 back and checked your emails to determine 15:46:14

24 whether you did? 15:46:16

25 A. No. 15:46:16

1 KELLY L. BRYSON

2 Q. You haven't consulted any 15:46:17  
3 minutes or action items to determine 15:46:18  
4 whether you did? 15:46:20

5 A. No. 15:46:21

6 MR. HERBST: I'll repeat my 15:46:23  
7 request there. 15:46:25

8 (Request made.) 15:46:25

9 Q. Did you know that Mr. Ashmore 15:46:48  
10 had been a former HUD employee or 15:46:50  
11 official when you did this? 15:46:53

12 MR. KLEIN: Object to form. 15:46:55

13 A. I don't think so. I don't 15:46:56  
14 know much about Mr. Ashmore. 15:46:57

15 Q. So how would you exercise your 15:46:59  
16 professional judgment to determine in 15:47:01  
17 what specific SME category he would be 15:47:03  
18 placed? 15:47:07

19 A. Again, I don't place anyone in 15:47:07  
20 any SME category. People are classified 15:47:12  
21 into a category in the HR system when 15:47:15  
22 they're hired and it's up to them and 15:47:18  
23 their manager to move them into a 15:47:20  
24 different HR system category. 15:47:22

25 What I do is I take that 15:47:25



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2 information that's in the system and I 15:47:27  
3 create a mapping to an RFP labor 15:47:30  
4 category, which is very different. And 15:47:33  
5 right here there was, as defined by the 15:47:35  
6 government and ICF, a subject matter 15:47:39  
7 expert role that the team told me that 15:47:42  
8 Mr. Ashmore would fall into. 15:47:44

9 Q. You say the subject matter 15:47:48  
10 expert listed at the bottom of page 2 15:47:57  
11 there, three lines up? 15:48:00

12 A. Yes. 15:48:01

13 Q. Was what, you said? 15:48:01

14 A. That is a labor category 15:48:02  
15 defined by the request for proposal from 15:48:06  
16 ICF and HUD. That's not a labor category 15:48:09  
17 that CGI defined. 15:48:12

18 Q. Do I understand your testimony 15:48:26  
19 correctly that you never found out what 15:48:28  
20 rates ICF gave to the government with 15:48:33  
21 respect to these people? 15:48:37

22 A. That's correct, I don't. 15:48:39

23 Q. And you never asked or you 15:48:41  
24 never asked to look? 15:48:43

25 A. No. 15:48:45

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2 Q. Would you have had available 15:48:46  
3 to you if you wanted to ICF's MOBIS 15:48:48  
4 schedule? 15:48:53

5 A. Again, I believe that MOBIS 15:48:53  
6 schedules are public. 15:48:56

7 Q. So you would have had it 15:48:57  
8 available to you if you or someone else 15:48:59  
9 at CGI if they wanted to consult it? 15:49:02

10 A. Yes, most likely. 15:49:04

11 Q. And you had the CGI MOBIS 15:49:06  
12 schedule available to you? 15:49:09

13 A. Yes. 15:49:10

14 Q. Now the next line, second line 15:49:23  
15 up from the bottom on Bryson 1 says "The 15:49:26  
16 average rate is a straight average 15:49:30  
17 calculated by dividing total salaries in 15:49:32  
18 that particular internal role by the 15:49:35  
19 number of exempt employees classified in 15:49:37  
20 the role," right? 15:49:40

21 A. Yes. 15:49:43

22 Q. Is that what you did? 15:49:44

23 A. Yes. 15:49:45

24 Q. So you had to find the total 15:49:45  
25 salaries of everybody in that particular 15:49:53

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2 internal role? 15:49:56

3 A. In that particular role as 15:49:56

4 classified in the HR system. Again, not 15:49:58

5 these roles. These are labor categories. 15:50:00

6 These are not roles. Our people are 15:50:03

7 classified in our HR system into roles. 15:50:05

8 MR. HERBST: Would you mark 15:50:14

9 this as Bryson Exhibit 2. 15:50:15

10 (Bryson Exhibit 2 for 15:50:17

11 identification, Bates stamped 15:50:17

12 CGI\_ASHMORE 2015407 through 15:50:17

13 2015410.) 15:50:18

14 Q. So let me show you Bryson 2. 15:50:18

15 Is that the list of CGI roles that you 15:50:20

16 are speaking of? 15:50:22

17 A. Yes. 15:50:22

18 Q. So I see, for example, that 15:50:30

19 there's business analyst/SME, right? 15:50:33

20 A. Yes. 15:50:39

21 Q. At 6 through 16? 15:50:40

22 A. Yes. 15:50:42

23 Q. So there are 11 different 15:50:42

24 categories of business analyst and SME, 15:50:45

25 right? 15:50:47

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2 A. Yes.

15:50:47

3 Q. Why is business analyst and

15:50:48

4 SME broken out separately as labor

15:50:53

5 categories if your own CGI internal role

15:50:57

6 descriptions combine them?

15:51:02

7 MR. KLEIN: Object to the

15:51:05

8 form.

15:51:06

9 A. That was a requirement of the

15:51:06

10 government. This is not our -- we did

15:51:07

11 not create this list. This is our

15:51:10

12 internal list. When we are required to

15:51:12

13 do so we map from our internal categories

15:51:14

14 to whatever the RFP categories are, but

15:51:16

15 there's often not a one-to-one match.

15:51:19

16 Q. Is that something you did on

15:51:22

17 this one?

15:51:23

18 A. Yes.

15:51:23

19 Q. And so what did you consult in

15:51:24

20 order to try to determine which

15:51:28

21 categories or which people listed on the

15:51:31

22 right-hand side of that rate card should

15:51:34

23 go into which categories of your own CGI

15:51:36

24 role categories?

15:51:41

25 MR. KLEIN: Object to the

15:51:43

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2 form.

15:51:44

3 A. I didn't do that. Their

15:51:44

4 managing and their hiring person put them

15:51:45

5 into a CGI category.

15:51:48

6 Q. Whose manager?

15:51:49

7 A. Every individual's manager

15:51:51

8 determines that.

15:51:55

9 Q. So when they're hired at CGI

15:51:55

10 they go into a category you're saying?

15:51:58

11 A. They go into a role.

15:51:59

12 Q. In one of these roles?

15:52:00

13 A. Yes.

15:52:01

14 Q. What was Mr. Ashmore's role?

15:52:02

15 A. I don't know off the top of my

15:52:05

16 head.

15:52:07

17 Q. How would we determine what

15:52:08

18 his role was?

15:52:09

19 A. We'd need to look at the

15:52:10

20 roster at the time.

15:52:11

21 Q. Where is that roster?

15:52:12

22 A. I don't have it.

15:52:13

23 Q. That's not anything you

15:52:14

24 consulted at the time?

15:52:16

25 A. I'm not sure.

15:52:17

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2 Q. Or you did? 15:52:19

3 A. I don't know if I consulted it 15:52:19

4 to determine his role because I knew that 15:52:21

5 even regardless of what his role was, I 15:52:23

6 knew that what we were pricing was a 15:52:27

7 subject matter expert. There are people 15:52:29

8 that can be classified in a role that may 15:52:31

9 be more specific than a category that 15:52:33

10 we're pricing. 15:52:36

11 Q. I understand you don't 15:52:37

12 remember whether you consulted it or not, 15:52:38

13 I understand that, all right. Correct? 15:52:42

14 A. Yes. 15:52:45

15 Q. But if you did, we would like 15:52:45

16 to see it. Is this something that you 15:52:52

17 can retrieve, a roster, what the roster 15:52:57

18 was at the time this document was 15:53:00

19 generated, Plaintiff's Exhibit 18 was 15:53:03

20 generated? 15:53:05

21 A. Yes. 15:53:06

22 MR. HERBST: So we're going to 15:53:07

23 request the roster for all of these 15:53:08

24 people on here. 15:53:10

25 (Request made.) 15:53:10

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2 Q. So what you're telling me is, 15:53:13  
3 I think, that for the government, when 15:53:16  
4 the government said we want there to be a 15:53:20  
5 subject matter expert, right? 15:53:23

6 A. Yes. 15:53:27

7 Q. You had to determine what Mr. 15:53:27  
8 Ashmore's -- withdrawn. 15:53:36

9 When the government said to 15:53:40  
10 CGI we want a subject matter expert and 15:53:43  
11 the pursuit team identified Mr. Ashmore 15:53:47  
12 as the subject matter expert, you had to 15:53:51  
13 look at his qualifications and the 15:53:55  
14 qualifications that the government wanted 15:53:59  
15 for that position? 15:54:01

16 MR. KLEIN: Object to the 15:54:03  
17 form. 15:54:04

18 A. I personally don't care what 15:54:04  
19 Mr. Ashmore's qualifications are. I read 15:54:08  
20 the description, the labor category 15:54:11  
21 description and based on that description 15:54:14  
22 I match it up as best I can to these 15:54:16  
23 roles. 15:54:19

24 Q. So you're talking about the 15:54:19  
25 labor category that the government 15:54:20

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2 specified in its -- in what document?

15:54:24

3 A. In its request for proposal.

15:54:29

4 Q. In its RFP?

15:54:31

5 A. Yes.

15:54:35

6 Q. You looked at those

15:54:36

7 qualifications and you matched it to

15:54:42

8 what?

15:54:44

9 A. Our, CGI's internal roles.

15:54:44

10 Q. This Bryson 2?

15:54:47

11 A. Yes.

15:54:48

12 Q. So you had to match it to one

15:54:49

13 of these categories 6, 7, 8, 10, 11, 12,

15:54:51

14 13, 14 or 15?

15:54:56

15 A. I don't have to match it to

15:54:57

16 one, I can match it to several.

15:54:58

17 Q. Well how do you determine to

15:55:00

18 match it to one or to match it to

15:55:03

19 several?

15:55:05

20 A. Again, it's professional

15:55:05

21 discretion.

15:55:08

22 Q. But what factors go into how

15:55:08

23 you exercise the discretion?

15:55:10

24 A. I look at the salaries and I

15:55:12

25 look at, again, the description to

15:55:13



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2 determine what level of seniority they're 15:55:17  
3 looking for. And that helps me determine 15:55:20  
4 are they looking for a college graduate 15:55:23  
5 at \$60,000 or are they looking at someone 15:55:26  
6 with five years experience that makes 15:55:28  
7 \$85,000. And then based on that, I do a 15:55:30  
8 mapping that helps me derive a rate. 15:55:34

9 And if I don't feel 15:55:39  
10 comfortable or I need a second opinion, 15:55:41  
11 then I can reach out to, again, 15:55:43  
12 compensation or recruiting. Again, I 15:55:47  
13 will factor in to the extent that it 15:55:49  
14 makes sense if I'm given representative 15:55:52  
15 personnel. 15:55:55

16 Q. But when Mr. Ashmore is 15:55:58  
17 identified, wouldn't you locate the 15:56:01  
18 category that he's in? 15:56:03

19 A. Not necessarily. 15:56:04

20 MR. KLEIN: Object to the 15:56:05  
21 form. 15:56:06

22 Q. Why not? 15:56:06

23 A. Because he may -- I mean I 15:56:06  
24 could look at that, but I don't 15:56:10  
25 necessarily do that because I know in 15:56:11

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2 this situation there's a subject matter 15:56:14

3 expert category, I have a subject matter 15:56:16

4 expert role, those are the people that 15:56:18

5 I'm going to look at. 15:56:20

6 Like we have people in here 15:56:21

7 that are listed as CM specialists. If 15:56:24

8 they're not looking for -- 15:56:28

9 Q. You have them in which 15:56:29  
10 document? 15:56:31

11 A. In this role list you can see 15:56:33  
12 there -- 15:56:35

13 Q. Bryson 2? 15:56:35

14 A. Bryson 2, there are a number 15:56:36  
15 of granular category -- roles. 15:56:38

16 Q. What do you mean by granular? 15:56:41

17 A. For example, there is a 15:56:43

18 technical writer, for example, so I may 15:56:47

19 be looking at a person that qualifies for 15:56:56

20 a technical writer role, but they're not 15:56:58

21 asking me for a technical writer labor 15:57:01

22 category. So maybe I just used business 15:57:03

23 analyst even though -- 15:57:06

24 Q. But they were asking for 15:57:08

25 technical writer category? 15:57:09

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2 A. Then I guess I used a poor 15:57:11

3 example. 15:57:13

4 Q. What would you do in that case 15:57:13

5 to come up with the 87.05? 15:57:15

6 A. There's another document here 15:57:17

7 that I could show you. 15:57:18

8 Q. Which one? This one? 15:57:20

9 A. Yes. 15:57:29

10 MR. HERBST: Would you mark 15:57:31

11 this as Bryson Exhibit 4. 15:57:32

12 (Bryson Exhibit 4 for 15:57:34

13 identification, Bates stamped 15:57:34

14 CGI\_ASHMORE 2015406.) 15:57:34

15 Q. First of all, tell us what 15:57:34

16 that -- before you do it, let me get my 15:57:36

17 copy. Tell me what Bryson 4 is? 15:57:42

18 A. This is a worksheet that maps 15:57:44

19 labor roles, internal labor roles to RFP 15:57:48

20 labor categories. 15:57:52

21 Q. So this is the document that 15:57:53

22 tells you that you generate, you 15:57:55

23 generated this for this particular one? 15:57:58

24 A. Yes. 15:58:00

25 Q. And so this will tell you what 15:58:00

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2 you did let's say for technical writer? 15:58:05

3 A. Yes. 15:58:09

4 Q. So what did you do for 15:58:09

5 technical writer? By the way before we 15:58:11

6 get to that. Going back to Bryson 2, how 15:58:17

7 come you just didn't take technical, 15:58:20

8 there's only one technical writer subject 15:58:22

9 role in CGI, right? 15:58:25

10 A. There is a -- yes. 15:58:27

11 Q. So why didn't you just use 15:58:29

12 that one, 46.05? 15:58:32

13 A. Because, frankly, not 15:58:36

14 everybody in CGI is categorized correctly 15:58:38

15 and because there are a lot of people 15:58:41

16 that are capable of performing a 15:58:44

17 technical writer role that aren't 15:58:48

18 classified as technical writers. Maybe 15:58:50

19 they don't do it full time. 15:58:52

20 A lot of people, you'll 15:58:54

21 notice, are there in the application 15:58:56

22 developer role and the business analyst 15:58:59

23 role. Those roles include a lot of 15:59:01

24 people that do a lot of things. 15:59:03

25 Q. So what did you do to 15:59:08

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2 determine that technical writer should 15:59:10  
3 have a -- what's the first column? I 15:59:14  
4 cannot read that. 15:59:16

5 A. That first column is base year 15:59:17  
6 hourly -- the very first column on this 15:59:20  
7 worksheet is just the labor category 15:59:22  
8 name. 15:59:24

9 Q. I meant the first, the one you 15:59:24  
10 mentioned, base year what? 15:59:26

11 A. Base year hourly cost. 15:59:28

12 Q. What is that? 15:59:31

13 A. That's the salary cost. 15:59:31

14 Q. What does base year mean? 15:59:35

15 A. It means in the first year -- 15:59:37  
16 it means effective for the first 12 15:59:40  
17 months of performance. 15:59:42

18 Q. And so that figure is 32.77? 15:59:46

19 A. Yes. 15:59:49

20 Q. So how did you come up with 15:59:49  
21 that? 15:59:52

22 A. That is a blended average of 15:59:52  
23 the business analyst 8, the business 15:59:54  
24 analyst 9, and the business analyst 10 15:59:57  
25 roles. It's a weighted average. 16:00:00

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2 Q. So business analyst SME, 8, 9

16:00:04

3 and 10?

16:00:18

4 A. Yes.

16:00:19

5 Q. So technical writer, the

16:00:19

6 technical writer role had absolutely

16:00:21

7 nothing to do with it, you didn't use

16:00:23

8 that at all?

16:00:25

9 A. I did not.

16:00:25

10 Q. Why not?

16:00:26

11 A. Because, again, technical

16:00:26

12 writer has one person in it and is not

16:00:32

13 representative of the technical writer

16:00:35

14 skill set as a whole.

16:00:39

15 Q. So for subject matter expert,

16:00:40

16 which you knew to be Mr. Ashmore's

16:00:58

17 category, right?

16:01:01

18 MR. KLEIN: Object to the

16:01:02

19 form.

16:01:03

20 A. Yes.

16:01:05

21 Q. You came up with a 7290

16:01:06

22 figure, am I reading that right?

16:01:11

23 A. Yes.

16:01:13

24 Q. How did you come up with 7290?

16:01:13

25 A. I used a blending of business

16:01:16

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2 analyst 14, 15 and 16.

16:01:18

3 Q. By the way, is there any  
4 document that shows you're doing that?  
5 Does this document show that you did  
6 that?

16:01:24

16:01:27

16:01:30

16:01:31

7 A. Yes.

16:01:32

8 Q. Let's go back to technical  
9 writer.

16:01:33

16:01:36

10 MR. HERBST: By the way, I  
11 have to say that these categories  
12 are so tiny to read it's almost,  
13 it's really a hardship reading them  
14 in this fashion. But you don't  
15 have to comment further. If  
16 there's a way to, you know, blow  
17 this up so that we can read them a  
18 little more.

16:01:37

16:01:37

16:01:40

16:01:45

16:01:48

16:01:51

16:01:54

16:01:56

16:01:58

19 Q. But you're able to read them,  
20 so maybe it doesn't matter. So show me  
21 how --

16:01:59

16:02:00

16:02:04

22 MR. KLEIN: We have no problem  
23 producing this document in a larger  
24 format. How much, it's an Excel  
25 spreadsheet, in order to get

16:02:05

16:02:06

16:02:08

16:02:11

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2 everything on one page we needed to 16:02:13  
3 shrink it down. If you were to 16:02:15  
4 print it out on multiple pages it's 16:02:16  
5 my understanding that you would 16:02:18  
6 need to track from page to page to 16:02:20  
7 page where the columns appear. So 16:02:23  
8 though it's smaller, it is easier 16:02:24  
9 to use when numbers are spread 16:02:26  
10 apart. 16:02:29

11 MR. HERBST: I understand. 16:02:29

12 Q. What tells you what the 16:02:30  
13 blended thing was? 16:02:41

14 MR. KLEIN: Object to the 16:02:43  
15 form. 16:02:44

16 A. Just so it's a little easier 16:02:44  
17 to follow. If I'm looking at project 16:02:47  
18 administrator, which is the very first 16:02:49  
19 row. 16:02:51

20 Q. Can you do it with subject 16:02:51  
21 matter expert? 16:02:53

22 A. I can. 16:02:54

23 Q. Thank you. 16:02:54

24 A. So if I take subject matter 16:02:55  
25 expert and I follow it across you'll see 16:02:57



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2 that there are percentages of 30 percent, 16:02:59  
3 30 percent and 40 percent, and if you 16:03:01  
4 follow those columns up you'll see that 16:03:04  
5 the 30, 30 and 40 fall under business 16:03:06  
6 analyst SME 14 and 15 and 16 column. 16:03:10

7 Q. Got you. How did you choose 16:03:13  
8 to weight 16, the higher, highest level 16:03:16  
9 salary at 40 percent as opposed to 30 16:03:22  
10 percent for the others? 16:03:24

11 A. Used my professional 16:03:25  
12 discretion to arrive at that combination. 16:03:29

13 Q. What elements, what factors 16:03:33  
14 did you take into account to come to 16:03:37  
15 exercise that discretion? 16:03:40

16 MR. KLEIN: Object to the 16:03:43  
17 form. 16:03:44

18 A. I took into account the -- I 16:03:45  
19 mean I can't speak to exactly all of the 16:03:46  
20 factors that I took into account at the 16:03:48  
21 time, but the types of factors I would 16:03:52  
22 have taken into account were any 16:03:54  
23 representative names. I would have taken 16:03:55  
24 into account what we had bid for subject 16:03:57  
25 matter expert on other similar deals. I 16:04:00

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2 would have considered the overall salary 16:04:04  
3 that that rate equated to. I would have 16:04:08  
4 considered any other people other than 16:04:12  
5 Mr. Ashmore who may have needed to fit 16:04:15  
6 within the scope of that rate. 16:04:18

7 Q. What other people were there 16:04:20  
8 besides Mr. Ashmore who would have to fit 16:04:25  
9 within the scope of that rate? 16:04:27

10 A. I can't give you any specific 16:04:28  
11 names. I don't know specific names. 16:04:30

12 Q. But you don't know that there 16:04:31  
13 were any, do you? 16:04:33

14 A. I mean I know that there are 16:04:34  
15 subject matter experts at CGI that could 16:04:37  
16 have been consulted for this opportunity. 16:04:39  
17 Did I know specific ones? No. But part 16:04:45  
18 of my job is to know that in general at 16:04:47  
19 CGI we have subject matter experts and 16:04:51  
20 they make from this much dollars to that 16:04:53  
21 many dollars and that's the kind of -- I 16:04:55  
22 mean that's what I do. I can't explain 16:04:57  
23 it to you I guess better than that. 16:05:03

24 Q. What do you mean by 16:05:04  
25 representative names as a factor, what 16:05:05

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2 does that mean?

16:05:07

3 A. Those would be the

16:05:08

4 representative names referenced in

16:05:08

5 Exhibit 18.

16:05:11

6 Q. Where are they referenced?

16:05:15

7 A. In the right-hand column.

16:05:16

8 Q. Okay, you mean these names.

16:05:19

9 But there's only one -- in other words,

16:05:20

10 you only considered Mr. Ashmore as a

16:05:22

11 representative name for subject matter

16:05:24

12 expert?

16:05:26

13 A. I consider him as an example.

16:05:26

14 Q. When you say representative

16:05:30

15 names, since you defined them as the

16:05:31

16 names in the right-hand column, he's the

16:05:35

17 only one for subject matter expert,

16:05:37

18 right?

16:05:39

19 A. I didn't define them. And

16:05:39

20 again, I know as part of my job that

16:05:41

21 there are more subject matter experts at

16:05:44

22 CGI than just Mr. Ashmore. He may have

16:05:47

23 been the only person we were specifically

16:05:50

24 considering at this time for this

16:05:54

25 opportunity, but we have more than him.

16:05:55

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2 Q. We what? 16:06:00

3 A. We have more than him. And I 16:06:01

4 can't create a rate -- it would be 16:06:04

5 irresponsible for me to create a rate 16:06:07

6 that represents a single person. 16:06:10

7 Q. But you didn't know what 16:06:18

8 category he fell, 14, 15 or 16? 16:06:20

9 A. It was irrelevant. 16:06:22

10 Q. I'm asking did you know which 16:06:24

11 category he fell into? 16:06:27

12 A. I may have looked at it, I may 16:06:28

13 have not. I don't know. What I knew was 16:06:32

14 that the government was looking for a 16:06:34

15 subject matter expert rate and I knew 16:06:38

16 what the description was that they 16:06:40

17 looking for, and I knew based on that 16:06:43

18 they were looking for a somewhat senior 16:06:45

19 person that had subject matter expertise 16:06:48

20 and that's how I created my mapping. 16:06:50

21 Q. So because they were looking 16:06:53

22 for a senior person you used 14, 15 and 16:06:54

23 16? 16:06:57

24 A. Yes. 16:06:57

25 Q. And how senior a person were 16:06:57

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2 they looking for?

16:07:00

3 A. I don't recall specifically.

16:07:01

4 Q. How senior are the people in

16:07:02

5 12 and 13?

16:07:04

6 A. It depends. A 12 could be

16:07:05

7 anywhere from 5 to 20.

16:07:14

8 Q. What about 13?

16:07:18

9 A. Again, same answer. It might

16:07:19

10 be 6 to 20. It's very -- there's not

16:07:20

11 hard and fast guidelines to any of these.

16:07:23

12 Q. What about 14, what's the

16:07:26

13 range?

16:07:28

14 A. I don't know. What I can tell

16:07:28

15 you is that seven is more senior than

16:07:30

16 six. But if you're asking me if there's

16:07:34

17 specific years of experience that are

16:07:37

18 associated, there's not.

16:07:38

19 Q. Well but, you know, you said

16:07:41

20 12 might be five to 20 and 13, 6 to 20?

16:07:45

21 A. Yes, I'm sure you could find

16:07:48

22 an example of both of those scenarios.

16:07:50

23 Q. In terms of 16, what would

16:07:51

24 they be?

16:07:55

25 A. I don't know. More senior

16:07:55

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2 than 12.

16:07:57

3 Q. How would we find out? How

16:07:57

4 would we -- how can we find out what the

16:08:00

5 ranges are, experience ranges of the

16:08:03

6 people in 14, 15 and 16?

16:08:06

7 MR. KLEIN: Object to the

16:08:10

8 form.

16:08:11

9 A. You would have to look at

16:08:11

10 everybody in each category and then

16:08:12

11 review their resumé to determine how much

16:08:15

12 years of experience they had.

16:08:17

13 Q. And where would we find that

16:08:18

14 information?

16:08:22

15 MR. KLEIN: Object to the

16:08:25

16 form.

16:08:26

17 A. I don't know. I don't know if

16:08:26

18 that information is even tracked. I mean

16:08:27

19 I know we have resumes for everyone and I

16:08:29

20 know everyone is in a role. But if

16:08:31

21 there's a tracking that says category 16

16:08:33

22 includes from this many years to this

16:08:40

23 many years, I don't know the answer to

16:08:42

24 that.

16:08:44

25 Q. But the roster that you were

16:08:44

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2 talking about before, they would identify 16:08:46  
3 all the business analyst SMEs in 11, for 16:08:48  
4 example? 16:08:52

5 A. Yes. 16:08:52

6 Q. And you don't know how many 16:08:52  
7 people are in each one, or do you, 16:08:55  
8 approximately? Or can you estimate? 16:08:58

9 A. I know, I mean well that 16:08:59  
10 answer is right here. Business analyst 16:09:01  
11 SME level 11, there's 97 of them. 16:09:04

12 Q. I see. There's only one in 16:09:07  
13 16, there was only one in 16, right? 16:09:22

14 A. Yes. 16:09:25

15 Q. And there were four in 15, 16:09:25  
16 right? 16:09:37

17 A. Yes. 16:09:37

18 Q. So I'm still having trouble 16:09:37  
19 understanding the allocation of 30, 30 16:09:41  
20 and 40 percent. Did you take into 16:09:43  
21 account what the chances were of the one 16:09:46  
22 person in 16 working on the project 16:09:48  
23 versus the four in 15? 16:09:52

24 A. Again, I used my professional 16:09:57  
25 discretion to come up with that blending 16:10:00

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2 and I looked at --

16:10:04

3 Q. Listen --

16:10:05

4 A. I understand your question.

16:10:06

5 Q. Can you answer my question

16:10:08

6 though?

16:10:09

7 A. Did I specifically say that,

16:10:09

8 gee, this person at business analyst SME

16:10:13

9 level 16 is only one person? No, I

16:10:16

10 didn't consider that because again, this

16:10:18

11 is a labor category and we may hire

16:10:20

12 someone tomorrow that's also a business

16:10:22

13 analyst SME 16. This person might quit.

16:10:24

14 I don't know.

16:10:27

15 Q. But did you consider the

16:10:28

16 probabilities --

16:10:29

17 A. No.

16:10:31

18 Q. -- of the one person in 16

16:10:31

19 working as the subject matter expert

16:10:35

20 versus the ones in 15, one of the four?

16:10:40

21 A. No.

16:10:42

22 MR. HERBST: Well 14, 15 and

16:10:43

23 16 are 12, 4 and 1, I'm going to

16:10:53

24 ask for the identification of

16:10:56

25 those. I guess if we get the

16:10:58



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2 roster for all of these we'll be

16:10:59

3 able to identify who they are.

16:11:02

4 (Request made.)

16:11:02

5 Q. The roster tells you the

16:11:05

6 salary of each one?

16:11:07

7 A. Yes.

16:11:08

8 Q. Does it have the name?

16:11:08

9 A. Yes.

16:11:10

10 Q. What else?

16:11:10

11 A. Employee number.

16:11:10

12 Q. What else?

16:11:11

13 A. Location.

16:11:12

14 Q. What else?

16:11:13

15 A. I don't know. That might be

16:11:14

16 it. Whether they're exempt or not.

16:11:24

17 Q. I noticed that in Bryson 1 you

16:11:29

18 only used exempt employees as opposed to

16:11:33

19 nonexempt employees. Why is that?

16:11:37

20 A. Because the way that -- if you

16:11:39

21 read the document, you'll see that we

16:11:45

22 talk about 2200 hours as our full-time

16:11:49

23 labor accounting system, and that is

16:11:53

24 higher than the standard 2,080 work year.

16:11:56

25 We find that people that are exempt tend

16:12:00

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2 to work some amount of overtime and so we 16:12:13  
3 use 2200 hours as a basis. People that 16:12:15  
4 are not exempt would typically earn 16:12:19  
5 overtime and so by combining, or by 16:12:22  
6 keeping the two separate we do attribute 16:12:25  
7 overtime to people that would be 16:12:30  
8 reimbursed for overtime. 16:12:32

9 Q. So for senior subject matter 16:12:33  
10 expert, that's one line down on Bryson 4, 16:12:44  
11 right? 16:12:50

12 A. Yes. 16:12:50

13 Q. You picked \$110.14? 16:12:51

14 MR. KLEIN: Object to the 16:13:00  
15 form. I don't think any numbers 16:13:04  
16 were picked. 16:13:06

17 MR. HERBST: That's another 16:13:08  
18 speaking objection. If we hear too 16:13:09  
19 many more of those we're going to 16:13:12  
20 ask for relief. 16:13:13

21 Q. You put a blended figure of 16:13:20  
22 110.14 in there? 16:13:22

23 A. Yes. 16:13:24

24 Q. And you used 30 percent of 16:13:24  
25 what? 16:13:32

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2 A. Of a business delivery manager 16:13:33

3 33. 16:13:36

4 Q. Business delivery manager 33. 16:13:46

5 Okay. And? 16:13:49

6 A. 20 percent of functional 16:13:50

7 manager 16. 16:13:51

8 Q. Functional manager 16. And? 16:14:00

9 A. 20 percent of functional 16:14:09

10 manager 30. 16:14:10

11 Q. And? 16:14:18

12 A. And 30 percent of functional 16:14:18

13 manager 33. 16:14:22

14 Q. Now, how did you make those 16:14:23

15 selections? 16:14:25

16 A. Because the senior SME is more 16:14:26

17 senior than the regular SME and because 16:14:32

18 there aren't any, or there are not many 16:14:37

19 business analysts at that level. They 16:14:44

20 tend to move into manager roles. So I 16:14:46

21 selected from the business and functional 16:14:49

22 manager roles instead of the SME roles. 16:14:51

23 Q. Even though they're not SMEs 16:14:54

24 at all, senior or regular, right? 16:15:02

25 MR. KLEIN: Object to the 16:15:05

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2 form.

16:15:06

3 A. Just because they're not

16:15:06

4 classified as a SME role doesn't mean

16:15:09

5 that they are not subject matter experts.

16:15:13

6 Again, you can -- this classifies you as

16:15:15

7 one thing. I'm a SME, but I also, I do

16:15:19

8 lots of other things that you can qualify

16:15:23

9 me as. So to say that a business

16:15:27

10 delivery manager or a functional manager

16:15:29

11 is not a SME I don't think is a fair

16:15:32

12 statement.

16:15:35

13 Q. You're business analyst SME?

16:15:35

14 A. That's what I am, yes.

16:15:37

15 Q. What number are you?

16:15:38

16 A. I don't know.

16:15:39

17 Q. You don't know what number you

16:15:39

18 are?

16:15:41

19 A. I think I'm a 12. I'm not

16:15:41

20 certain.

16:15:42

21 Q. Is it your testimony that in

16:15:42

22 choosing the functional manager, how come

16:16:21

23 you didn't choose functional manager 34?

16:16:32

24 A. I don't know. When I was

16:16:41

25 looking again at the representative

16:16:46

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2 people here and the types of rates that 16:16:48

3 we had bid for other senior subject 16:16:51

4 matter experts and the salary, that was 16:16:54

5 implied based on the rate that I came up 16:16:58

6 with, I elected not to use 34. 16:17:01

7 Q. Why is what I'm asking? 16:17:05

8 A. I just answered that. 16:17:08

9 Q. Do you remember why you didn't 16:17:11  
10 use 34 specifically? 16:17:12

11 A. No, I don't remember why I 16:17:14  
12 elected to not use 34 specifically. 16:17:17

13 Q. Did you look to find out who 16:17:19  
14 functional manager 34 was? 16:17:23

15 A. No. 16:17:25

16 Q. How about manager 30, did you 16:17:25  
17 look to see who that was? 16:17:27

18 A. No. 16:17:28

19 Q. Were you trained on how to do 16:17:28  
20 this? 16:17:43

21 A. Yes. 16:17:43

22 Q. What training do you have for 16:17:43  
23 this kind of exercise of professional 16:17:48  
24 discretion? 16:17:50

25 A. I worked with the person who 16:17:50

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2 did this before me, pricing manager and 16:17:53

3 pricing director. 16:17:57

4 Q. Are there any written training 16:17:58

5 materials that tell you how to exercise 16:18:00

6 your discretion? 16:18:02

7 A. No. 16:18:02

8 Q. None? 16:18:03

9 A. There was an estimating 16:18:07

10 methodology in place at the time and 16:18:08

11 again, a lot of the methodology is in 16:18:13

12 Bryson 1 about how we do what we do. 16:18:18

13 Q. Well you say there was an 16:18:21

14 estimating methodology at the time. 16:18:23

15 There was a specific discreet document? 16:18:24

16 A. There was a discreet document, 16:18:27

17 but what's in Bryson 1 is the majority of 16:18:29

18 that document. 16:18:33

19 MR. HERBST: I'll request -- 16:18:38

20 Q. What do you call that? 16:18:40

21 A. Estimating methodology manual. 16:18:41

22 MR. HERBST: I'm going to 16:18:46

23 request that. 16:18:47

24 (Request made.) 16:18:47

25 Q. That manual was current for 16:19:06

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2 May 2010 at the time you did this? 16:19:08

3 A. It wasn't current, but there 16:19:09

4 wasn't a version superseding it. 16:19:11

5 Q. Did you actually consult it? 16:19:15

6 A. No. 16:19:16

7 Q. Why, because you know it by 16:19:16

8 heart? 16:19:18

9 MR. KLEIN: Object to form. 16:19:19

10 Q. Why didn't you consult it? 16:19:20

11 A. Because I know how to do this 16:19:22

12 mapping and I didn't need to refer to it. 16:19:24

13 Q. You said in addition to the 16:19:29

14 representative names you also considered 16:19:30

15 what we bid on other deals. Where did 16:19:32

16 you go to get the information what you 16:19:34

17 bid on other deals? 16:19:36

18 A. Our proposal repository. 16:19:37

19 Q. A proposal repository? 16:19:41

20 A. Yes. 16:19:43

21 Q. What documents did you look 16:19:43

22 at, or what proposals did you look at in 16:19:44

23 that repository to -- 16:19:47

24 A. I don't remember specifics. 16:19:49

25 Q. Well, did you identify them in 16:19:50

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2 some fashion at the time?

16:19:52

3 A. No.

16:19:53

4 Q. How many proposals are in that  
5 repository?

16:19:54

16:19:59

6 A. I don't know, probably  
7 hundreds if not thousands.

16:20:00

16:20:02

8 Q. So how could you even figure  
9 out which proposals to consult in a  
10 repository of hundreds of thousands?

16:20:03

16:20:07

16:20:12

11 A. I don't know.

16:20:15

12 Q. You have no recollection of  
13 what you did on that score in terms of  
14 what proposals you looked at, if any?

16:20:20

16:20:21

16:20:25

15 A. I don't know any specific  
16 proposals. What I know is that I read  
17 the labor category description, I read  
18 the internal role description, I made a  
19 match and I made a mapping and that's  
20 what I did.

16:20:31

16:20:32

16:20:35

16:20:37

16:20:40

16:20:42

21 Q. When you say overall salary,  
22 you're talking about Mr. Ashmore's  
23 overall salary and the overall summary of  
24 the people other than Mr. Ashmore, both?

16:20:43

16:20:45

16:20:47

16:20:49

25 MR. KLEIN: Object to form.

16:20:52



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2 A. No. I'm talking about when I 16:20:53

3 prepared this mapping, then it gives me a 16:20:55

4 base year hourly rates and that times 16:20:57

5 2200 hours gives me an implied salary. 16:21:03

6 Q. Where's the implied salary? 16:21:12

7 A. It's not calculated here. 16:21:14

8 Q. So you took the base year and 16:21:15

9 you multiplied that by? 16:21:17

10 A. 2200. 16:21:18

11 Q. Equals the implied salary. Is 16:21:19

12 that implied salary on the rate card? 16:21:26

13 A. No. 16:21:28

14 Q. So what do you do with the 16:21:28

15 implied salary? 16:21:30

16 A. I just -- it's a datapoint 16:21:30

17 that I used to look at. So again, when 16:21:33

18 I'm reading the labor category 16:21:36

19 description and I see project 16:21:38

20 administrator, I understand what that is 16:21:39

21 based on the description. I look at the 16:21:42

22 implied salary and then I determine does 16:21:45

23 that seem reasonable. 16:21:47

24 Q. Let's take subject matter 16:21:54

25 expert of 72.90. Then you have the next 16:21:56

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2	column is what, overhead?	16:21:59
3	A. Yes.	16:22:04
4	Q. What is that underneath, it	16:22:04
5	says overhead 81.11 percent?	16:22:06
6	A. Yes.	16:22:09
7	Q. And the next column is?	16:22:09
8	A. G&A.	16:22:10
9	Q. 33.34 percent?	16:22:13
10	A. Yes.	16:22:15
11	Q. And then fee?	16:22:15
12	A. Yes.	16:22:16
13	Q. Of?	16:22:16
14	A. 10 percent.	16:22:19
15	Q. And then total?	16:22:20
16	A. Yes.	16:22:21
17	Q. So am I correct that the	16:22:21
18	overhead column is 81.11 percent of the	16:22:23
19	first column, the base year column?	16:22:27
20	A. Yes.	16:22:29
21	Q. And then the G&A is 33.34	16:22:30
22	percent of the sum of columns -- of	16:22:35
23	columns 1 and 2?	16:22:41
24	A. Yes.	16:22:43
25	Q. And the fee of 10 percent is	16:22:43

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2 10 percent of the sum of columns 1, 2 and

16:22:46

3 3?

16:22:48

4 A. Yes.

16:22:48

5 Q. And that produces the total

16:22:52

6 rate of 193.66?

16:22:54

7 A. Yes.

16:22:56

8 Q. Okay. Now, you say on page 2

16:22:57

9 of Bryson 1 that the methodology of using

16:23:25

10 2200 hours is based on a full-time labor

16:23:31

11 accounting system, right?

16:23:35

12 A. Yes.

16:23:36

13 Q. What is your full-time labor

16:23:36

14 accounting system?

16:23:40

15 A. What that sentence is saying

16:23:40

16 is that we assume a certain amount of

16:23:45

17 overtime is worked by exempt personnel,

16:23:49

18 and so rather than dividing a salary by

16:23:53

19 2080 hours we divide it by 2200 hours to

16:23:58

20 account for the overtime that is assumed.

16:24:03

21 Q. So that includes 120 hours of

16:24:05

22 overtime assumed?

16:24:09

23 A. Yes.

16:24:09

24 Q. Where do you come up with that

16:24:13

25 figure? Is that an average?

16:24:15

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2 A. Yes. 16:24:19

3 Q. An average of what? 16:24:20

4 A. An average of a full time 16:24:23

5 exempt person over the course of 12 16:24:25

6 months. 16:24:28

7 Q. Full time exempt people don't 16:24:28

8 get overtime, right? 16:24:34

9 A. They still put those hours in 16:24:35

10 their time sheet. 16:24:37

11 Q. Everybody has a time sheet? 16:24:38

12 A. Yes. 16:24:40

13 Q. Every employee at CGI fills 16:24:40

14 out a time sheet? 16:24:43

15 A. Yes. 16:24:44

16 Q. For every hour they work? 16:24:44

17 A. That's our policy, yes. 16:24:46

18 Q. And so you actually calculate 16:24:47

19 what the average overtime hours are for 16:24:51

20 exempt employees even though you don't 16:24:54

21 pay them for it? 16:24:56

22 MR. KLEIN: Object to form. 16:24:57

23 A. Yes, that analysis is 16:24:58

24 refreshed on a periodic basis, but yes. 16:25:00

25 Q. How often is it refreshed? 16:25:03

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2 A. There's not a standard. 16:25:06

3 Q. But how often is it refreshed? 16:25:07

4 A. At this time it was refreshed 16:25:11

5 annually I would guess. But it wasn't -- 16:25:14

6 it wasn't on a schedule. 16:25:19

7 Q. What is DCAA office? 16:25:20

8 A. It's the government office 16:25:31

9 that reviews our submissions. It's the 16:25:33

10 Defense Contract Audit Agency and they 16:25:38

11 review our indirect rate submission. 16:25:41

12 Q. Is that in the Pentagon? 16:25:49

13 A. No. 16:25:51

14 Q. You said a defense contract. 16:25:52

15 A. Their address is located on 16:25:55

16 page 4. This particular gentleman was 16:25:57

17 located in Herndon, Virginia. 16:26:00

18 Q. Is that organization, that 16:26:08

19 agency typically audits Pentagon 16:26:10

20 contracts, that is Department of Defense 16:26:13

21 contracts? 16:26:15

22 MR. KLEIN: Object to the 16:26:15

23 form. 16:26:16

24 A. I don't know. 16:26:17

25 Q. Are people ever categorized in 16:26:17

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2 more than one role at CGI, or you just

16:26:44

3 pick one?

16:26:47

4 MR. KLEIN: Object to form.

16:26:49

5 A. People are classified into one

16:26:51

6 role in our HR system, yes.

16:26:53

7 Q. Not more than one, just one?

16:27:01

8 A. Not more than one in our HR

16:27:04

9 system.

16:27:07

10 Q. Does it ever change?

16:27:07

11 A. Yes.

16:27:08

12 Q. How often?

16:27:08

13 A. It's reviewed as part of your

16:27:09

14 annual review process, but if your role

16:27:11

15 substantively changes it could be changed

16:27:13

16 more often.

16:27:16

17 Q. So that's not really a

16:27:16

18 function of title, it's more a function

16:27:18

19 of what they actually do?

16:27:19

20 A. Yes.

16:27:20

21 Q. What their actual role is?

16:27:21

22 A. Yes.

16:27:22

23 Q. Is it fair to say that the

16:27:22

24 compensation is not necessarily a

16:27:24

25 function of title, if someone is more

16:27:25

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2 senior they're going to earn more? 16:27:28

3 MR. KLEIN: Objection to form. 16:27:30

4 Q. More senior in title? 16:27:32

5 A. Generally, yes. 16:27:34

6 Q. Generally yes what? 16:27:37

7 A. Can you repeat the question, 16:27:38

8 please. 16:27:42

9 Q. Is there a relationship 16:27:42

10 generally between how senior a title you 16:27:45

11 have and your compensation? 16:27:47

12 MR. KLEIN: Objection to form. 16:27:51

13 Q. Or is it mostly on role? 16:27:52

14 A. I would say in general, yes, 16:27:54

15 the more senior your title the higher 16:27:56

16 your compensation. 16:27:58

17 Q. What's more senior, manager or 16:27:59

18 director? 16:28:01

19 A. Director. 16:28:02

20 Q. So looking at 18, Mr. 16:28:02

21 Kyprianou's position was what? 16:28:07

22 A. I don't know. 16:28:09

23 Q. Mr. Ashbrook, was he a 16:28:12

24 director or a manager? 16:28:14

25 A. Well I know that in his 16:28:15

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2 signature it says manager, so I'm going 16:28:17

3 to assume that he's a manager. 16:28:19

4 Q. Mr. Ashmore was what, a 16:28:21

5 director -- 16:28:22

6 MR. KLEIN: I think you said 16:28:23

7 Ashbrook or Ashmore. 16:28:25

8 Q. I'm sorry, Ashmore you said is 16:28:27

9 a manager. What about Ashbrook? 16:28:29

10 A. I don't know off the top of my 16:28:32

11 head. 16:28:33

12 Q. Judging from the numbers, 16:28:34

13 Ashbrook's number is 155.79 and Ashmore 16:28:37

14 is 193.66, who was making more money? 16:28:42

15 MR. KLEIN: Object to the 16:28:45

16 form. 16:28:46

17 A. I don't think you can draw a 16:28:46

18 correlation between the bill rate and 16:28:47

19 their cost rate. 16:28:50

20 Q. I want you to assume that 16:28:52

21 Ashbrook was a director, higher than a 16:28:56

22 manager. Would you normally expect his 16:28:59

23 salary to be higher than Mr. Ashmore's? 16:29:01

24 MR. KLEIN: Objection to form. 16:29:05

25 A. I would expect a director's 16:29:06



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2 salary to be higher than a manager's 16:29:08

3 salary, yes, generally speaking. 16:29:10

4 Q. How typical was it that a -- 16:29:12

5 like in 18 you have 155.79 for the 16:30:28

6 position Mr. Ashbrook was going to fill, 16:30:33

7 and 193.66 for the position Mr. Ashmore 16:30:36

8 was going to fill. How often did it 16:30:40

9 happen that, and again assuming Ashbrook 16:30:42

10 is a director, I know you didn't know 16:30:48

11 that, how often did it turn out that the 16:30:50

12 manager's billing rate turned out to be, 16:30:55

13 you know, 40 bucks higher than the 16:30:57

14 directors? 16:31:02

15 MR. KLEIN: Object to the 16:31:03

16 form. 16:31:04

17 A. I would say it's not unusual. 16:31:04

18 It's really a function of what that 16:31:06

19 person is doing. 16:31:08

20 Q. Do you know what Mr. Ashbrook 16:31:09

21 was doing? 16:31:11

22 A. He was more technical in 16:31:11

23 nature. It looks like he was being 16:31:13

24 billed as a team lead of some sort, an IT 16:31:15

25 team lead. 16:31:20

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2 Q. So the direct labor role rate 16:31:20  
3 that goes into this, this contractor's 16:32:03  
4 site rate of 193.66 for subject matter 16:32:10  
5 expert, the direct labor role rate is 16:32:14  
6 just a straight average of everybody in 16:32:19  
7 that, in that role level? 16:32:21

8 MR. KLEIN: Object to the 16:32:27  
9 form. 16:32:28

10 A. The direct labor cost for the 16:32:28  
11 subject matter expert rate of 193.66 is 16:32:30  
12 72.90. And that is a weighted average of 16:32:36  
13 the people in the business analyst SME 16:32:40  
14 role, 14, 15 and 16 and is a weighted 16:32:43  
15 average of everyone in those categories 16:32:48  
16 according to the 30, 30, 40 ratio. 16:32:50

17 Q. Okay. As opposed to a 16:32:52  
18 straight average which -- I mean when you 16:32:54  
19 describe it -- 16:32:57

20 A. Well the straight average 16:32:58  
21 comes in that, business analyst 14 SME 16:32:59  
22 has a straight average of \$66.52. So 16:33:04  
23 once we arrive -- 16:33:08

24 Q. Where do you get that? 16:33:09

25 A. It's in both Bryson 2 and 16:33:11

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2 Bryson 4. So if you look at the business 16:33:14  
3 analyst SME there's 12 people in that 16:33:17  
4 category, they have a straight average 16:33:20  
5 salary of \$146,333, or \$66.52 per hour. 16:33:22  
6 So that is a straight average component. 16:33:31  
7 Once we have that straight average then 16:33:33  
8 we do a weighted average based on 16:33:35  
9 whatever mapping that was appropriate. 16:33:38

10 Q. Got it. Then we get to the 16:33:39  
11 overhead column, right? 16:33:43

12 A. Yes. 16:33:44

13 Q. What steps do you take looking 16:33:45  
14 at 18 and Mr. Ashbrook's hourly rate of 16:34:23  
15 155.79, what steps do you take to make 16:34:29  
16 sure that his own personal hourly cost to 16:34:33  
17 the company is less than the billing 16:34:39  
18 rate? 16:34:45

19 MR. KLEIN: Object to the 16:34:46  
20 form. 16:34:48

21 A. That's why I would look at 16:34:48  
22 salaries generally to make sure that the 16:34:50  
23 rate that I determined covers the types 16:34:53  
24 of people that we're looking at. But I 16:34:56  
25 don't base the rate on that. That's also 16:34:59

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2 why we do exercises like what's on the 16:35:02  
3 last page in this. This is kind of a 16:35:04  
4 real world scenario, if you will, of the 16:35:10  
5 types of people, the names of people who 16:35:12  
6 we would expect to staff and what that 16:35:15  
7 real world scenario might look like. 16:35:19

8 Q. So take Ashbrook here on page 16:35:21  
9 3 of Plaintiff's Exhibit 18. What's the 16:35:25  
10 figure that is multiplied by 15.12 to get 16:35:30  
11 to 235.54? 16:35:34

12 A. Again, I don't -- I'm assuming 16:35:37  
13 it was the contractor site rate. I'm not 16:35:39  
14 certain. 16:35:42

15 Q. But my question is how do you 16:35:42  
16 know that Mr. Ashbrook isn't being paid 16:35:45  
17 more than the base rate for his category 16:35:50  
18 which is 58.65? 16:35:59

19 A. You're asking how I know that. 16:36:08  
20 I know that because I have access to the 16:36:10  
21 salary information and I can do the 16:36:12  
22 calculation. But I would also say that 16:36:13  
23 we don't always make money on these 16:36:17  
24 rates. We may elect to lose money on an 16:36:20  
25 individual if we can make it up in the 16:36:24

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2 overall.

16:36:26

3 Q. But that would have to be a

16:36:27

4 deliberate decision by you and the

16:36:29

5 others, you'd have to bring that to their

16:36:32

6 attention, right?

16:36:34

7 A. Yes.

16:36:35

8 Q. And the only way you would

16:36:35

9 bring that to their attention is by

16:36:36

10 looking at the actual salary of Mr.

16:36:38

11 Ashbrook?

16:36:40

12 A. Yes.

16:36:40

13 Q. And saying you know, this

16:36:40

14 billing rate is lower than the rate by

16:36:41

15 figuring in his salary and then his

16:36:44

16 fringes and then the overhead and so

16:36:46

17 forth, right?

16:36:48

18 A. That would cause a red flag,

16:36:48

19 yes.

16:36:50

20 Q. And how do you document the

16:36:51

21 red flags?

16:36:53

22 MR. KLEIN: Object to the

16:36:55

23 form.

16:36:57

24 A. Generally through email.

16:36:57

25 Q. So your emails on this will

16:36:58

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2 tell us whether there was any red flags 16:37:01  
3 and whether any adjustments were made, 16:37:04  
4 right? 16:37:10

5 A. Presumably. 16:37:10

6 Q. Now, let's take overhead. 16:37:11  
7 What items are included in overhead? 16:37:31

8 MR. KLEIN: Objection to the 16:37:39  
9 form. 16:37:49

10 Q. Well before we do that, let me 16:37:49  
11 ask you, just in terms of the overall 16:37:52  
12 billing rate here in the second page of 16:37:54  
13 18, now that rate includes base salary, 16:37:55  
14 right? 16:38:03

15 A. Yes. 16:38:03

16 Q. Does it include profit 16:38:04  
17 participation? 16:38:08

18 A. Yes. 16:38:09

19 Q. Does it include the different 16:38:09  
20 kinds of bonuses that you mentioned 16:38:14  
21 earlier in your testimony? 16:38:15

22 A. Yes. 16:38:16

23 Q. And what kind of bonuses would 16:38:16  
24 those be? 16:38:19

25 MR. KLEIN: Object to the 16:38:21

1 KELLY L. BRYSON

2 form.

16:38:23

3 A. It would be the types that we

16:38:23

4 discussed earlier. It could include

16:38:24

5 retention, it could include relocation.

16:38:27

6 But, you know, the fringes and overhead

16:38:30

7 is calculated on an aggregate level, so

16:38:33

8 even though those types of bonuses would

16:38:36

9 be included, it doesn't mean that anyone

16:38:38

10 is necessarily entitled to them.

16:38:41

11 Q. I understand that. But

16:38:43

12 somehow the system makes provision for

16:38:48

13 including bonuses of various kinds,

16:38:50

14 right?

16:38:52

15 A. Yes.

16:38:52

16 Q. And I think you mentioned

16:38:53

17 retention, relocation, signing bonus.

16:38:56

18 Any other bonuses?

16:38:58

19 A. I'm sure there are, but I

16:38:59

20 don't -- I don't know of an exhaustive

16:39:01

21 list.

16:39:03

22 Q. What document or documents

16:39:04

23 could we consult in order to determine a

16:39:06

24 comprehensive list of bonuses?

16:39:08

25 MR. KLEIN: Object to the

16:39:12

1 KELLY L. BRYSON

2 form.

16:39:13

3 A. I don't know. You'd have to  
4 ask finance that.

16:39:13

16:39:14

5 Q. Is that something Mr. Pfost  
6 would know, the controller?

16:39:16

16:39:19

7 MR. KLEIN: Object to the  
8 form.

16:39:21

16:39:22

9 A. If he didn't know the answer  
10 I'm sure he could point you in the right  
11 direction.

16:39:22

16:39:24

16:39:27

12 Q. Do you know of any document  
13 generated by the company, either in its  
14 HR department or anywhere else in the  
15 company, of the different kinds of  
16 bonuses available?

16:39:27

16:39:29

16:39:31

16:39:34

16:39:36

17 A. No, not that would include a  
18 comprehensive list and descriptions or  
19 when they would be appropriate, no, I'm  
20 not aware of the document that does that.

16:39:36

16:39:39

16:39:43

16:39:44

21 Q. How about stock options, are  
22 they included in this contractor site  
23 rate?

16:39:46

16:39:48

16:39:52

24 A. Again, I'm not certain where  
25 stock options are accounted for.

16:39:52

16:39:54



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2 Q. Regardless of whether they're 16:39:56  
3 in overhead or general and administrative 16:39:59  
4 would they be included? 16:40:03

5 A. In some form or fashion, yes, 16:40:05  
6 they would be included. 16:40:07

7 Q. The different possibilities 16:40:08  
8 would be what? 16:40:12

9 A. There are some things that we 16:40:13  
10 account for in our indirect rates and 16:40:16  
11 then there are other things that are paid 16:40:19  
12 for at the corporate level, so we pay a 16:40:21  
13 tax up to corporate and they pay those 16:40:24  
14 things. 16:40:27

15 Q. How did that corporate tax get 16:40:27  
16 reflected in these? 16:40:30

17 A. It's in one of the buckets. 16:40:31  
18 I'm not sure exactly which bucket it's 16:40:34  
19 in. 16:40:37

20 Q. How about commissions? 16:40:37

21 A. Again, it's in there 16:40:38  
22 somewhere. It's probably in sales. 16:40:40

23 Q. Sales or fringe, right? 16:40:41

24 A. Yes. 16:40:49

25 Q. You testified to that last 16:40:50

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2 time, right?

16:40:51

3 A. Yes.

16:40:52

4 Q. Deferred compensation?

16:40:52

5 A. Again, I'm sure it's in there

16:40:56

6 somewhere. Where it lives exactly, I

16:40:59

7 don't know.

16:41:00

8 Q. Vacation pay?

16:41:00

9 A. That would be in fringe.

16:41:02

10 Q. Holiday pay?

16:41:06

11 A. Fringe.

16:41:07

12 Q. Sick pay?

16:41:08

13 A. Fringe.

16:41:08

14 Q. Overtime pay?

16:41:09

15 A. That's, overtime pay would not

16:41:10

16 be generally in our indirect rates. That

16:41:13

17 would be a direct rate, a direct labor

16:41:17

18 rate. It would depend on the role of

16:41:20

19 that person though.

16:41:29

20 Q. As to whether it would be an

16:41:29

21 indirect or direct?

16:41:32

22 A. Yes.

16:41:34

23 Q. Would that be depending

16:41:34

24 whether he's exempt or nonexempt?

16:41:39

25 A. Possibly, but not

16:41:41

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2 specifically. It would depend on the  
3 type of work they were doing, if they  
4 were doing billable work versus internal  
5 work.

16:41:43

16:41:44

16:41:46

16:41:48

6 Q. Shift premium pay?

16:41:49

7 MR. KLEIN: Object to the  
8 form.

16:41:52

16:41:53

9 A. Again, that's probably more  
10 likely than not that's probably billable,  
11 so that wouldn't be in our indirect rate.

16:41:53

16:41:57

16:41:59

12 Q. You said that would not be in  
13 your direct rate?

16:42:02

16:42:08

14 A. I said more likely than not  
15 that's billable work so it would probably  
16 not be in our indirect rate.

16:42:10

16:42:12

16:42:14

17 Q. It wouldn't be in direct  
18 either?

16:42:16

16:42:19

19 A. It would be --

16:42:19

20 Q. It would be in direct?

16:42:20

21 A. Well, if they received  
22 compensation then it would be in direct.

16:42:21

16:42:23

23 Q. It would be in direct?

16:42:25

24 A. Yes, it would be in our direct  
25 compensation.

16:42:26

16:42:28

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2 Q. Thank you. I just want to

16:42:28

3 make sure we got it right. Pension

16:42:30

4 costs?

16:42:32

5 A. Again, I'm sure they're

16:42:35

6 included. I don't know where.

16:42:37

7 Q. Post-retirement benefits other

16:42:38

8 than pensions?

16:42:41

9 A. The same.

16:42:42

10 Q. Severance pay?

16:42:42

11 A. The same.

16:42:44

12 Q. Health insurance?

16:42:45

13 A. I assume that's in fringe.

16:42:46

14 Q. Life insurance?

16:42:49

15 A. Fringe.

16:42:50

16 Q. Other deferred compensation?

16:42:50

17 A. I'm not sure.

16:42:52

18 Q. Training?

16:42:53

19 A. That could be in a number of

16:42:56

20 different areas.

16:42:59

21 Q. Fringe benefit without any

16:43:00

22 bonus?

16:43:10

23 MR. KLEIN: Object to the

16:43:12

24 form.

16:43:13

25 A. I'm not sure exactly what that

16:43:13

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2 means, but I would assume that lives in  
3 fringe.

16:43:15

16:43:18

4 Q. Fringe benefit with bonus?

16:43:18

5 A. Same answer.

16:43:21

6 Q. Profit?

16:43:22

7 MR. KLEIN: Object to the  
8 form.

16:43:25

16:43:26

9 A. I don't know what that means.

16:43:26

10 Q. Well I'm assuming that in this  
11 contractor site rate that it would  
12 include a 10 percent fee for profit,  
13 right?

16:43:27

16:43:33

16:43:35

16:43:37

14 A. I thought you were asking  
15 those questions in terms of where they  
16 live in our indirect rates. So profit  
17 wouldn't live there. But yes, profit is  
18 included in these rates.

16:43:37

16:43:38

16:43:40

16:43:42

16:43:44

19 Q. All of the things I mentioned  
20 are somehow included in these rates,  
21 right?

16:43:45

16:43:47

16:43:50

22 MR. KLEIN: Object to the  
23 form.

16:43:50

16:43:51

24 A. Yes. These are fully loaded  
25 rates. They include all of the things

16:43:51

16:43:53

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2 that we provide to our employees. 16:43:55

3 Q. And general and administrative 16:43:56

4 expenses, right? 16:43:59

5 A. Yes. 16:44:00

6 Q. And overhead? 16:44:00

7 A. Yes. 16:44:01

8 Q. So let's now talk about 16:44:03

9 overhead. What items are included 16:44:05

10 generally in overhead? 16:44:11

11 THE WITNESS: Do you have that 16:44:15

12 document? 16:44:16

13 MR. KLEIN: They have it. 16:44:18

14 MR. HERBST: Would you mark 16:44:22

15 this as Bryson Exhibit 3 and 5. 16:44:23

16 (Bryson Exhibit 3 for 16:44:26

17 identification, Bates stamped

18 CGI\_ASHMORE 2015431 through

19 2015433.)

20 (Bryson Exhibit 5 for

21 identification, Bates stamped

22 CGI\_ASHMORE 2015429 through

23 2015430.) 16:44:32

24 Q. Let me know if Bryson 5 and 16:44:32

25 Bryson 3 are actually part of the same 16:44:35

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2 document?

16:44:38

3 MR. KLEIN: They're separate.

16:44:39

4 Q. So here's 5 and 3. Take a  
5 look at them. The first thing I want to  
6 ask you is is three supposed to be a part  
7 of five or is it a separate document?

16:44:52

16:44:56

16:45:01

16:45:03

8 A. Three is a separate document,  
9 but it's supplemental to five. Five is  
10 the cover memo or letter that accompanies  
11 the detail which is included in three.

16:45:05

16:45:07

16:45:13

16:45:15

12 Q. So these two are separate but  
13 they sort of go together?

16:45:38

16:45:40

14 A. For our submission they would  
15 go together, but they don't -- I mean  
16 five without three is not very helpful.  
17 But three can stand on its own.

16:45:42

16:45:47

16:45:49

16:45:52

18 Q. Are both five and three, do  
19 they relate to overhead and G&A?

16:45:54

16:46:00

20 A. Yes.

16:46:00

21 Q. So tell me what is, what items  
22 are included in overhead?

16:46:14

16:46:16

23 A. In overhead we have the major  
24 components of --

16:46:22

16:46:28

25 Q. Where are you looking?

16:46:31

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2 A. I'm looking on Bryson 3. 16:46:32

3 Q. Yes. 16:46:35

4 A. We have a segment overhead, 16:46:35

5 fringe expenses, computer equipment and 16:46:37

6 infrastructure, facility, and then home 16:46:39

7 office. 16:46:41

8 Q. Now, those are the items of 16:46:42

9 overhead? 16:46:46

10 A. Yes. 16:46:47

11 Q. What is a segmented overhead 16:46:47

12 pool, or segment overhead pool? 16:46:53

13 A. I can't speak specifically to 16:46:57

14 what's included in that \$17 million. I'm 16:47:12

15 not sure. I don't calculate these rates. 16:47:19

16 Q. Who does? 16:47:21

17 A. That's the role of our 16:47:21

18 compliance and finance departments. It's 16:47:25

19 kind of a joint, a shared role. Finance 16:47:27

20 is involved in calculating it, but it 16:47:31

21 ultimately goes through compliance. 16:47:33

22 Q. Well, there's a total of those 16:47:39

23 five items and it's called pool? 16:47:48

24 A. Yes. 16:47:50

25 Q. So what is pool? 16:47:50



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2 A. That is the total amount of 16:47:53  
3 overhead expense that we are estimating 16:47:55  
4 to incur for the year and that pool is 16:47:58  
5 divided by the amount of labor that we 16:48:01  
6 expect to incur over the year. 16:48:04

7 Q. So the 72 million, that's the 16:48:07  
8 overhead that CGI Federal is expected to 16:48:11  
9 incur? 16:48:16

10 A. CGI Federal ISIT. 16:48:17

11 Q. And then CGI Federal BPS is 16:48:22  
12 expected to incur 15 million? 16:48:25

13 A. Yes. 16:48:27

14 Q. So they're treated separately? 16:48:28

15 A. Yes. 16:48:28

16 Q. Is every HUD opportunity 16:48:57  
17 calculated by ISIT? 16:48:59

18 MR. KLEIN: Object to form. 16:49:01

19 A. I would -- I mean I can't 16:49:03  
20 speak to every HUD opportunity. I don't 16:49:04  
21 work on every HUD opportunity. I would 16:49:07  
22 say the majority of ones where this is 16:49:09  
23 relevant would be, would fall under ISIT. 16:49:12

24 Q. What do you mean the majority 16:49:18  
25 which would be relevant? 16:49:20

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2 A. This rate calculation is very 16:49:21  
3 specific to federal government work and 16:49:26  
4 since a majority of the BPS work is not 16:49:28  
5 Federal work they wouldn't use these 16:49:33  
6 items in their rate calculations. 16:49:36  
7 They're more commercial in nature. They 16:49:41  
8 would use a different methodology. 16:49:43

9 Q. Are you saying that some BPS 16:49:44  
10 contracts involve Federal agencies? 16:49:48

11 MR. KLEIN: Object to form. 16:49:52

12 A. It's possible. I don't know. 16:49:54  
13 I can't speak to every contract. 16:49:55

14 Q. Who could? 16:49:57

15 MR. KLEIN: Object to form. 16:49:59

16 A. I don't know that anyone could 16:50:00  
17 speak to every contract. 16:50:02

18 Q. I'm trying to understand how 16:50:03  
19 the company distinguishes between when it 16:50:04  
20 uses the ISIT and when it uses the BPS 16:50:07  
21 schedules? 16:50:10

22 MR. KLEIN: Object to the 16:50:16  
23 form. 16:50:17

24 A. We use the ISIT indirect rates 16:50:17  
25 when the scope of work is such that we 16:50:20

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2 are doing ISIT type work with a federal 16:50:22  
3 agency. If we were doing BPS, something 16:50:26  
4 purely BPS type work at a federal agency, 16:50:31  
5 then we would likely use the BPS rate. 16:50:35  
6 If that ever happened, I don't know the 16:50:38  
7 answer to that. 16:50:40

8 Q. Let me ask you something. 16:50:41  
9 Look at Bryson 5. What is that document? 16:51:54  
10 It's a letter, but what -- 16:51:57

11 A. Yes. This is a letter that we 16:51:59  
12 submit to CMS each year to review our 16:52:03  
13 rates. If you look at, if I could refer 16:52:13  
14 you back to Bryson 1, page 4, it talks 16:52:17  
15 about DCAA contact information. 16:52:21

16 Q. One minute. I'll get Bryson 16:52:26  
17 1. Page 4. Yes. 16:52:30

18 A. And so that sentence up at the 16:52:34  
19 top, CGI's administrative contracting 16:52:36  
20 office is the Centers for Medicare and 16:52:40  
21 Medicaid Services since the preponderance 16:52:42  
22 of our cost-reimbursable contracts are 16:52:44  
23 with CMS. And so each year we submit our 16:52:44  
24 submission not only to DCAA but also to 16:52:48  
25 CMS for their review and approval. 16:52:52

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2 Q. How come nothing goes to HUD 16:52:54  
3 for their approval? 16:52:56

4 A. Because we have minimal, if 16:52:57  
5 any, cost plus work with them. I mean I 16:53:00  
6 don't know the exact reason. I'm not 16:53:03  
7 involved in that decision. 16:53:05

8 Q. But you do have time and 16:53:07  
9 materials work with them, right? 16:53:08

10 A. Possibly. 16:53:10

11 Q. Why wouldn't you periodically 16:53:11  
12 submit your rates to the HUD? 16:53:15

13 A. Because cost reimbursable 16:53:18  
14 rates are used for cost reimbursable 16:53:21  
15 work. 16:53:24

16 Q. Which rates? 16:53:24

17 A. The indirect rates are used 16:53:25  
18 for cost reimbursable work, not for T&M 16:53:27  
19 work. 16:53:32

20 Q. How is that decided? 16:53:33

21 A. By virtue of the contract 16:53:35  
22 type. The only time that we use indirect 16:53:39  
23 rates for T&M work is if the first time 16:53:41  
24 we are creating a rate. 16:53:47

25 Q. So you said that this, Bryson 16:53:48

1 KELLY L. BRYSON

2 5 is a, these two pages is a letter from 16:54:03  
3 CGI to CMS, but in fact isn't it a letter 16:54:10  
4 from CMS to CGI? 16:54:14

5 A. Oh, is it? You're correct. 16:54:16  
6 It's in response to a letter that we 16:54:17  
7 provided to them. 16:54:19

8 Q. Where is that letter? 16:54:21

9 A. I don't know if it's -- I 16:54:21  
10 don't have it. 16:54:25

11 Q. Have you reviewed it in 16:54:27  
12 preparation for your testimony? 16:54:29

13 A. No. 16:54:29

14 Q. Why not? 16:54:32

15 MR. KLEIN: Object to form. 16:54:34

16 A. I'm not sure that it was 16:54:35  
17 relevant. 16:54:41

18 MR. HERBST: We'll request 16:54:42  
19 that letter. 16:54:43

20 (Request made.) 16:54:43

21 Q. Okay. Now the letter says CMS 16:54:57  
22 has established the following provisional 16:55:03  
23 rates for your use, right? 16:55:05

24 A. Yes. 16:55:07

25 Q. It has the overhead with the 16:55:07

1 KELLY L. BRYSON

2 81 percent rate in there?

16:55:09

3 A. Yes.

16:55:10

4 Q. And it tells you what should

16:55:11

5 be in it, right, direct labor, B&P labor,

16:55:12

6 IR&D labor?

16:55:16

7 A. No, the allocation base is

16:55:18

8 what the 81 percent is allocated against,

16:55:20

9 not what should be in it, not the

16:55:25

10 components of it.

16:55:29

11 Q. So when you say allocated

16:55:29

12 against, what do you mean?

16:55:31

13 A. So when we're building our

16:55:33

14 rate, for example, we take 81.11 percent

16:55:36

15 of direct labor or salary cost to

16:55:39

16 determine the appropriate amount of

16:55:41

17 overhead.

16:55:42

18 Q. And you take 81 percent of B&P

16:55:43

19 labor too?

16:55:48

20 A. Yes. It's what's listed back

16:55:49

21 on Bryson 3. You'll see after the pool

16:55:51

22 amount of 72 million you'll see the base

16:55:55

23 and the base includes direct labor, bid

16:55:58

24 and proposal labor and IR&D labor.

16:56:01

25 Q. B&P means bid and proposal?

16:56:06

1 KELLY L. BRYSON

2 A. Yes. 16:56:11

3 Q. What's IR&D? Independent 16:56:12

4 research and development? 16:56:17

5 A. Yes. 16:56:18

6 Q. Then there's a paragraph below 16:56:19

7 that says "Although the intent of the 16:56:26

8 above rates is directly related to 16:56:28

9 provisional billing rates they may also 16:56:30

10 be utilized for proposal bidding 16:56:32

11 purposes," right? 16:56:34

12 A. Yes. 16:56:35

13 Q. And then it says "However, 16:56:36

14 prior to their utilization, you must take 16:56:37

15 into account the specific proposal and 16:56:38

16 its magnitude to determine if the rates 16:56:40

17 shown above are applicable." 16:56:44

18 Is the fact that this proposal 16:56:45

19 that we've been discussing in Plaintiff's 16:56:51

20 18 was a -- okay, never mind. Withdrawn. 16:56:54

21 Okay, so you're not sure what 16:57:11

22 segment overhead pool includes? 16:57:17

23 A. Yes, I can't speak to 16:57:19

24 specifically what that includes. 16:57:21

25 Q. So it may include some of the 16:57:21

1 KELLY L. BRYSON

2 items that I asked you about when we went  
3 through that long list?

16:57:28

16:57:30

4 A. It may.

16:57:31

5 Q. Who would know what is  
6 included in that?

16:57:32

16:57:36

7 A. You could start with Scott.

16:57:37

8 Q. Scott Pfof?

16:57:41

9 A. You could start with him. I'm  
10 sure he would direct you to someone else,  
11 but.

16:57:42

16:57:43

16:57:45

12 Q. And fringe expense, 37117523,  
13 what's included in that?

16:57:54

16:57:59

14 A. Again, that's a majority of  
15 that is going to be holiday, vacation,  
16 insurance, profit participation. I don't  
17 know every single line item in there, but  
18 those are the larger buckets.

16:58:01

16:58:04

16:58:08

16:58:14

16:58:16

19 Q. Would it include the bonus  
20 items you mentioned also?

16:58:19

16:58:22

21 A. I'm sure it would include some  
22 of them, yes.

16:58:24

16:58:25

23 Q. What's computer equipment/  
24 infrastructure?

16:58:26

16:58:39

25 A. That's going to be software

16:58:40



1 KELLY L. BRYSON

2 licensing, laptops, things of that 16:58:42

3 nature. 16:58:45

4 Q. What's infrastructure? 16:58:45

5 A. Again, IT infrastructure. It 16:58:46

6 could be telephony systems, that kind of 16:58:48

7 thing. 16:58:52

8 Q. And facility expense, is that 16:58:57

9 the real estate component you talked 16:58:59

10 about before? 16:59:00

11 A. Predominantly, yes. 16:59:01

12 Q. What else besides real estate 16:59:02

13 is in there? 16:59:04

14 A. It may include things like 16:59:05

15 copiers, service contracts, cleaners. 16:59:06

16 Q. What's home office overhead? 16:59:12

17 A. That's overhead that is -- I 16:59:14

18 assume that's overhead that accounts for 16:59:19

19 the home office segment, but I'm not 16:59:21

20 certain. 16:59:23

21 Q. Home office meaning? 16:59:23

22 A. The layer that sits, the tiny 16:59:26

23 layer that sits on top of ISIT and BPS. 16:59:29

24 Q. Who sits up there? 16:59:33

25 MR. KLEIN: Object to the 16:59:34

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2 form.

16:59:35

3 A. The people that aren't  
4 directly allocated to ISIT or BPS.

16:59:36

16:59:38

5 Q. You mean like the president of  
6 the company, people like that?

16:59:41

16:59:43

7 A. It could be the president, it  
8 could be the group controller, maybe some  
9 HR folks. I don't know who specifically  
10 sits up there.

16:59:44

16:59:45

16:59:48

16:59:52

11 Q. And then base, that includes  
12 the direct labor which you already  
13 described?

16:59:52

16:59:59

17:00:01

14 A. Yes.

17:00:02

15 Q. And what's bid and proposal  
16 labor?

17:00:02

17:00:05

17 A. It's labor spent on bid and  
18 proposal activities.

17:00:05

17:00:09

19 Q. And is that calculated the  
20 same way as direct labor?

17:00:10

17:00:14

21 A. It should be salary costs, so  
22 yes.

17:00:15

17:00:18

23 Q. Just salary?

17:00:18

24 A. I believe so.

17:00:20

25 Q. Independent research and

17:00:20

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2 development labor is also just salary? 17:00:23

3 A. I believe so. 17:00:25

4 Q. What's unallowable labor? 17:00:26

5 A. Labor that has been determined 17:00:28

6 is unallowable by the government. It 17:00:31

7 could be labor that we've elected not to 17:00:35

8 bill, labor performing unallowable 17:00:39

9 activities. 17:00:43

10 Q. So that's overhead for which 17:00:44

11 81 percent is allowed, right? 17:00:48

12 A. Yes. 17:00:50

13 Q. And then you have G&A, general 17:00:51

14 and administrative expense, right? 17:00:56

15 A. Sorry, I would like to 17:00:58

16 clarify. You said 81 percent is allowed, 17:00:59

17 I'm not sure. To clarify, 81 percent is 17:01:02

18 calculated by taking the 72 million 17:01:06

19 divided by the 89 million. It's not that 17:01:08

20 we came up with a hundred percent of 17:01:11

21 overhead expenses and only 81 percent was 17:01:13

22 allowed. It's that 81 percent is the 17:01:16

23 appropriate amount to add based on our 17:01:22

24 overhead costs and our estimated forecast 17:01:25

25 labor expense. 17:01:31

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2 Q. So you're saying 81 percent is 17:01:32  
3 the 72507 figure divided by the 89397 17:01:35  
4 figure? 17:01:39

5 A. Yes. 17:01:39

6 Q. And why, why do you divide 17:01:40  
7 that overhead by essentially the direct 17:01:46  
8 labor costs? Why do you do that, to come 17:01:49  
9 up with 81 percent? 17:01:55

10 A. Because the rates are intended 17:01:56  
11 to cover our costs. So when we have an 17:01:58  
12 estimate of salary costs and we have an 17:02:02  
13 estimate of how much overhead is 17:02:05  
14 allocable to those salary costs and that 17:02:08  
15 lets us do the math to calculate how much 17:02:12  
16 we need to recover on each billable 17:02:14  
17 dollar. In this scenario each dollar 17:02:17  
18 brings with it approximately 81.11, or I 17:02:22  
19 guess 81 cents of overhead expense. 17:02:27

20 Q. Going back to 18, if you look 17:02:54  
21 at page -- okay, I'm sorry, never mind. 17:03:09  
22 Well, you see this, on the top of page 3 17:03:18  
23 it says government site rates are 17:03:23  
24 calculated using 15 percent discount from 17:03:25  
25 ISIT overhead? 17:03:27

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2 A. Yes.

17:03:29

3 Q. How did they come up with the  
4 15 percent discount from ISIT overhead?

17:03:30

17:03:33

5 A. As I mentioned earlier, I

17:03:38

6 don't -- I don't recall all of the

17:03:40

7 sources that we looked at or how exactly

17:03:42

8 that 15 percent was finally arrived at.

17:03:45

9 I know at the time we did some analysis

17:03:48

10 of what it would look like to remove

17:03:51

11 facilities or to approximate a government

17:03:55

12 site overhead rate and we also looked at

17:03:57

13 public information of our competitors to

17:04:01

14 see the delta between their contractor

17:04:03

15 site rate and their government site rate

17:04:05

16 and based on that information that's how

17:04:07

17 we came up with 15 percent, but it was

17:04:10

18 not a precise or overly involved

17:04:12

19 analysis. It was something that we were

17:04:18

20 doing to fill a gap until we were able to

17:04:20

21 do something more sophisticated.

17:04:24

22 MR. HERBST: Let's take a

17:05:12

23 short break.

17:05:14

24 (A recess was taken.)

17:05:15

25 Q. One last time at least for

17:13:47

1 KELLY L. BRYSON

2 today, you're still under oath, right?

17:14:33

3 A. Yes.

17:14:37

4 Q. So we were talking about

17:14:37

5 general and administrative expenses,

17:15:01

6 right?

17:15:03

7 A. Okay.

17:15:03

8 Q. So I don't remember did I ask

17:15:05

9 you about the segment general and

17:15:10

10 administrative pool? I don't know if I

17:15:14

11 asked you about that.

17:15:16

12 A. I don't think you did. But

17:15:16

13 I'm not entirely sure what's included in

17:15:19

14 that bucket.

17:15:21

15 Q. Well, I guess I should ask you

17:15:27

16 then does general and administrative

17:15:30

17 expenses include somewhere in these

17:15:41

18 categories human resources?

17:15:44

19 MR. KLEIN: Object to form.

17:15:52

20 A. I believe so. I'm not

17:15:54

21 certain.

17:15:56

22 Q. Accounting?

17:15:57

23 A. Yes, I believe finance and

17:15:58

24 accounting are included in G&A.

17:16:01

25 Q. Public relations?

17:16:03

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2 A. I believe so. 17:16:05

3 Q. Contract administration? 17:16:05

4 A. I believe so. 17:16:07

5 Q. Legal? 17:16:08

6 A. I believe so. 17:16:09

7 Q. Corporate home office? 17:16:09

8 A. I believe so. 17:16:11

9 Q. Executive comp? 17:16:13

10 A. That I'm not sure. I mean 17:16:16

11 again, these are things that I know exist 17:16:20

12 within our indirect rate structure. I'm 17:16:22

13 not confident to say exactly where they 17:16:25

14 live. 17:16:30

15 Q. You're just not sure whether 17:16:30

16 they're in general and administrative 17:16:32

17 expenses or in the fee? 17:16:34

18 MR. KLEIN: Object to the 17:16:37

19 form. 17:16:38

20 A. I'm not sure where they would 17:16:39

21 be, where they would be included. 17:16:40

22 Q. They could be in overhead? 17:16:41

23 A. It's possible that some small 17:16:42

24 amount of those items could be in 17:16:46

25 overhead. 17:16:47

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2 Q. And this is something that 17:16:48

3 Scott Pfof would know? 17:16:49

4 A. Again, I don't know if he 17:16:50

5 would answer those questions or if he 17:16:53

6 would refer you to someone else, but he 17:16:55

7 would be the right person to talk to to 17:16:57

8 make sure that you got what you needed. 17:16:59

9 Q. Is there any other G&A expense 17:17:00

10 other than these categories that I 17:17:05

11 mentioned that you think would be 17:17:07

12 included in G&A? 17:17:08

13 A. Did you mention sales, bid and 17:17:10

14 proposal type work? 17:17:19

15 Q. I did. What is that? That's 17:17:21

16 the second item, right? 17:17:25

17 A. Yes. 17:17:26

18 Q. What is that? 17:17:27

19 A. That's time that people 17:17:28

20 directly charge to proposal activities 17:17:29

21 and monies that are spent to prepare, 17:17:32

22 proposal expenses. Again, it could 17:17:37

23 include travel, it could include, it does 17:17:40

24 include things like binders and 17:17:42

25 photocopies. 17:17:44



1 KELLY L. BRYSON

2 Q. Is this something which you 17:17:45  
3 would be able to see by looking at the 17:17:50  
4 people's time sheets? 17:17:52

5 MR. KLEIN: Object to the 17:17:54  
6 form. 17:17:56

7 A. It depends on the person. 17:17:56

8 Q. How about the person in, the 17:17:58  
9 persons in Plaintiff's 18, if we look at 17:18:02  
10 Conklin, Dowdy, Ashbrook, Ahmed, 17:18:06  
11 Kyprianou, Ashmore, Bernardi, Carragher, 17:18:10  
12 Methia and Bowell, would it appear in 17:18:15  
13 their time sheets? 17:18:20

14 MR. KLEIN: Object to the 17:18:23  
15 form. 17:18:24

16 A. It may. At the time, there 17:18:24  
17 are certain people -- especially at this 17:18:31  
18 time there are certain people that just 17:18:33  
19 charge to a charge code because they are 17:18:34  
20 a G&A. For example, using myself again 17:18:36  
21 as an example, I live in G&A, my time 17:18:39  
22 goes to G&A. It doesn't get specifically 17:18:43  
23 broken out to any particular proposal 17:18:46  
24 effort. 17:18:49

25 People that are more line 17:18:49

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2 focused, that are generally billable, are 17:18:52  
3 usually expected to charge to bid and 17:18:56  
4 proposal codes for time spent doing those 17:18:59  
5 activities. 17:19:02

6 Q. Your G&A wouldn't necessarily 17:19:02  
7 be specifically charged to bid and 17:19:06  
8 proposal activity, would it? 17:19:07

9 A. I'm not sure. 17:19:09

10 Q. What about independent 17:19:11  
11 research and development expense, what is 17:19:14  
12 that? 17:19:16

13 A. That's money that we use to 17:19:16  
14 develop IP or other research initiatives. 17:19:19

15 Q. What's IP stand for? 17:19:23

16 A. Intellectual property. 17:19:24

17 Q. Again, these are the amounts 17:19:26  
18 that the whole company, the whole ISIT 17:19:31  
19 part of the company expected to incur, 17:19:35  
20 right? 17:19:37

21 A. Yes. 17:19:37

22 Q. Are there any other parts of 17:19:38  
23 CGI Federal other than ISIT and BPS? 17:19:40

24 A. And I believe again that there 17:19:42  
25 was an intermediate home office at the 17:19:44

1 KELLY L. BRYSON

2 time.

17:19:46

3 Q. Just the top layer of home  
4 office?

17:19:46

17:19:48

5 A. Yes.

17:19:48

6 Q. But other than that, it's just  
7 ISIT and BPS, right?

17:19:49

17:19:50

8 A. Yes.

17:19:51

9 Q. And I guess when you break  
10 down there's a lot more people employed  
11 in ISIT than in BPS?

17:19:53

17:19:55

17:19:57

12 A. Yes.

17:19:59

13 Q. And that's one reason why the  
14 overhead is so much more in ISIT?

17:20:00

17:20:01

15 A. No.

17:20:04

16 MR. KLEIN: Objection to form.

17:20:05

17 Q. No? Why is ISIT so much more  
18 in overhead?

17:20:05

17:20:09

19 A. Again, it's a proportion of  
20 direct labor. So I mean, for example, if  
21 there was some large investment that we  
22 made in BPS their overhead could be much  
23 higher. But it's very much a calculation  
24 on proportion.

17:20:10

17:20:11

17:20:15

17:20:18

17:20:21

17:20:27

25 Q. I notice that the G&A expenses

17:20:29

1 KELLY L. BRYSON

2 are also significantly higher in ISIT 17:20:36

3 than in BPS, 51 compared to nine, right? 17:20:39

4 A. Yes. 17:20:43

5 Q. Is that also an indication 17:20:44

6 that a lot more of the company's work and 17:20:45

7 a lot more of its staff is dedicated to 17:20:47

8 ISIT work? 17:20:51

9 A. Again, that's largely 17:20:52

10 coincidental. ISIT work tends to have 17:20:53

11 more investments in it because again, all 17:20:58

12 of our people have laptops. People in 17:21:00

13 the BPS side may not be issued a laptop. 17:21:04

14 Q. So why is OH, that's for 17:21:07

15 overhead, right? 17:21:12

16 A. Yes. 17:21:12

17 Q. Allocated to B&P, bid and 17:21:13

18 proposal, right? 17:21:16

19 A. Yes. 17:21:17

20 Q. Why is that broken out 17:21:17

21 separately in G&A as opposed to overhead? 17:21:18

22 A. I don't feel comfortable that 17:21:28

23 I can answer that question accurately. 17:21:29

24 Q. Does that mean you don't know? 17:21:34

25 A. It means I don't want to 17:21:35

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2 speculate. 17:21:39

3 Q. I'm not asking you to 17:21:39

4 speculate, but to the best of your 17:21:40

5 knowledge, what's the reason? 17:21:43

6 A. There are people that live in 17:21:44

7 one segment but their fringes, for 17:21:49

8 example, may live in a different segment. 17:21:53

9 So that's some of what you're seeing 17:21:55

10 here, but I don't want to misspeak and 17:21:59

11 get it wrong. 17:22:01

12 Q. Which people are you thinking 17:22:01

13 of? 17:22:03

14 MR. KLEIN: Object to the 17:22:05

15 form. 17:22:06

16 Q. Just as an example? 17:22:06

17 A. So, for example, a lot of the 17:22:08

18 independent research and development 17:22:19

19 expenses live in general and 17:22:21

20 administrative and so a portion of 17:22:24

21 overhead for those people and for those 17:22:27

22 costs is allocated back into G&A. 17:22:30

23 Q. Was that overhead also listed 17:22:33

24 somewhere in the overhead categories 17:22:39

25 above? 17:22:42

1 KELLY L. BRYSON

2 A. I know that is netted out. 17:22:43

3 You can see the costs down below where 17:22:49

4 it's backed out again of the base, but 17:22:52

5 again, I don't feel comfortable in 17:22:55

6 describing the intricate details of how 17:22:56

7 exactly those calculations are done. 17:23:00

8 Q. What elements are in G&A? 17:23:02

9 Like in home office G&A, what kind of 17:23:08

10 expenses are they? 17:23:11

11 A. I'm not sure. 17:23:11

12 Q. Again, there's another total 17:23:12

13 direct cost, is that salaries? 17:23:20

14 A. Total direct costs are, would 17:23:24

15 include salaries, yes. 17:23:28

16 Q. What else would it include? 17:23:29

17 A. It would include costs that 17:23:31

18 were direct and not indirect in nature. 17:23:37

19 Additional things specifically in 17:23:41

20 addition to salary? I'm not certain. 17:23:43

21 Q. Well the direct labor, in 17:23:46

22 other words, salary up above is 81.287 17:23:51

23 million and this direct cost is 127. So 17:23:55

24 what's the difference between those two? 17:23:59

25 A. I'm not certain. 17:24:05

1 KELLY L. BRYSON

2 Q. Then it excludes direct 17:24:10

3 subcontractors, 41 million, what is that? 17:24:13

4 A. There would be subcontractors 17:24:16

5 that we engage that are direct bill. 17:24:19

6 Q. What's direct bill mean? 17:24:21

7 A. Direct bill to the client, 17:24:24

8 typically. 17:24:26

9 Q. In other words, CGI wouldn't 17:24:27

10 bill them, the subcontractor would bill 17:24:31

11 directly to the client? 17:24:33

12 A. No, we would bill. As opposed 17:24:33

13 to being an indirect subcontractor is my 17:24:36

14 understanding. 17:24:38

15 Q. The indirect subcontractors 17:24:38

16 would bill the client directly and the 17:24:41

17 direct ones you would bill for? 17:24:43

18 A. No. A direct subcontractor 17:24:44

19 would be someone that works on a project, 17:24:47

20 they invoice me and I invoice the client 17:24:52

21 because they did billable work. 17:24:54

22 An indirect subcontractor 17:24:56

23 would be someone that we hired as a 17:24:58

24 technical writer that wrote a paragraph 17:25:00

25 or a couple of pages for a proposal doing 17:25:02

1 KELLY L. BRYSON

2 incorrect work.

17:25:04

3 Q. Do you handle the invoicing  
4 also?

17:25:05

17:25:10

5 A. No.

17:25:11

6 Q. Who does that?

17:25:11

7 A. Finance.

17:25:14

8 Q. How does this base differ from

17:25:15

9 the base above? Because I see that

17:25:26

10 overhead is added in here, total

17:25:28

11 overhead, into the 72 million above in

17:25:37

12 pool comes down, it's added in general

17:25:40

13 and administrative. Why?

17:25:43

14 A. Because the way the rates are  
15 calculated, G&A is a proportion of direct  
16 labor plus overhead, and so when we look  
17 at it as a percentage adder, it's 33.34  
18 percent of the total of direct labor plus  
19 overhead.

17:25:45

17:25:49

17:25:54

17:25:58

17:26:05

17:26:09

20 Q. Again that's 51 divided by 154  
21 to come up with the rate, right?

17:26:15

17:26:19

22 A. Yes, correct.

17:26:20

23 Q. G&A excluding R&D, what's  
24 that?

17:26:28

17:26:31

25 A. That is an alternate view of

17:26:31



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2 our G&A rate that backs out the costs 17:26:34  
3 associated with independent research and 17:26:39  
4 development. 17:26:41

5 Q. What do you use that for? 17:26:45

6 A. What do we use that rate for? 17:26:46

7 Q. Yes. 17:26:48

8 A. CMS, Centers for Medicaid and 17:26:49  
9 Medicare Services has a stipulation in 17:26:53  
10 their contracting regulations that state 17:26:54  
11 that we can't -- or actually, I'm sorry, 17:26:58  
12 I said CMS. I meant HHS, the aggregate, 17:27:01  
13 Health and Human Services has a 17:27:06  
14 stipulation in their contracting language 17:27:08  
15 that we cannot include independent 17:27:10  
16 research and development costs in our G&A 17:27:13  
17 and so we calculate the rate without that 17:27:16  
18 for our HHS and CMS based work. 17:27:19

19 Q. When do you use the 17:27:27  
20 subcontractor handling rate? 17:27:28

21 A. That is a rate that's added on 17:27:30  
22 to any subcontracting costs. 17:27:32

23 Q. The next page of that exhibit, 17:27:36  
24 what are we looking at? What is this, 17:27:42  
25 provisional billing rates, what are 17:27:45

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2 those?

17:27:47

3 A. This is a slightly more

17:27:47

4 granular view of what was on the prior

17:27:49

5 page.

17:27:52

6 Q. When you say more granular,

17:28:00

7 you mean what?

17:28:02

8 A. It just has some additional

17:28:03

9 details and some additional titling for

17:28:04

10 each of the items.

17:28:06

11 Q. What's ICE, I-C-E?

17:28:07

12 A. I believe that -- I'm not sure

17:28:10

13 exactly what the acronym stands for, but

17:28:12

14 it's computer equipment.

17:28:15

15 Q. That's true all the way down,

17:28:30

16 basically the rates are the same, the

17:28:32

17 numerators and denominators turn out to

17:28:33

18 be the same, it's just different kind of

17:28:36

19 descriptions?

17:28:38

20 MR. KLEIN: Object to form.

17:28:40

21 A. Yes, it should be the same.

17:28:40

22 This page aligns more closely with the

17:28:41

23 way things are called in our financials,

17:28:46

24 while the first page gives things a

17:28:50

25 title, that's a little more layman speak.

17:28:53

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2 Q. And the third page, the third  
3 and last page of the exhibit, what's  
4 that?

17:28:58

17:29:00

17:29:02

5 A. The third page breaks out a  
6 little more granularly the fringe  
7 calculation specifically.

17:29:02

17:29:05

17:29:08

8 Q. How did you use these three  
9 pages in your rate calculations in  
10 Plaintiff's Exhibit 18, if at all?

17:29:15

17:29:17

17:29:19

11 A. I did not use these specific  
12 calculations at all. These calculations  
13 are prepared, again, by the finance and  
14 compliance teams. We prepare the package  
15 and then we would receive a letter like  
16 Bryson 5 from CMS or whomever government  
17 agency we're working with that says we  
18 reviewed your package and we provide  
19 approval for you to use that package for  
20 proposal bidding purposes.

17:29:21

17:29:23

17:29:26

17:29:30

17:29:32

17:29:36

17:29:42

17:29:44

17:29:47

17:29:51

21 And so that's what I, I used  
22 the final rates in my rate buildup, but  
23 as far as this granular information  
24 contained in Bryson 3, I don't use this  
25 at all.

17:29:53

17:29:55

17:29:58

17:30:00

17:30:04

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2 MR. HERBST: Would you mark 17:30:06

3 this as Exhibit -- 17:30:08

4 Q. Looking at the document right 17:30:35

5 at the top in your left hand, what is 17:30:37

6 that, Bryson what? 17:30:41

7 A. Five. 17:30:42

8 Q. So five and three -- three are 17:30:44

9 the rates that you submitted to HHS, 17:30:48

10 right? 17:30:51

11 A. Three is our provisional rates 17:30:51

12 submission for CGI. We happen to submit 17:30:58

13 it to CMS, but it wouldn't be different. 17:31:01

14 Q. That's my question. Every 17:31:04

15 opportunity that you pursued for a 17:31:06

16 federal government agency used those 17:31:08

17 rates? 17:31:10

18 A. Yes. 17:31:10

19 Q. Those ISIT rates? 17:31:10

20 A. Yes. 17:31:12

21 Q. Did any other agency besides 17:31:12

22 HHS or CMS look at the rates and approve 17:31:20

23 them? 17:31:24

24 A. Not to my knowledge. 17:31:24

25 Q. What about GSA, it doesn't 17:31:25

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2 approve rates? The federal government's 17:31:30  
3 general contracting agency, the GSA, are 17:31:33  
4 you familiar with GSA? 17:31:36

5 A. I'm familiar with GSA. 17:31:38

6 Q. They don't approve any rates 17:31:39  
7 from CGI? 17:31:41

8 A. They don't approve our 17:31:42  
9 indirect rates, no. And again, indirect 17:31:43  
10 rates are predominantly used for cost 17:31:46  
11 type work, and the agency that reviews 17:31:48  
12 each contractor's indirect rate 17:31:54  
13 contractors tends to be the agency with 17:31:56  
14 whom they have a, the preponderance of 17:31:58  
15 their cost type work. And since ours 17:32:00  
16 happens to be CMS, they are the ones that 17:32:03  
17 review our rate packages. For other 17:32:06  
18 contractors it may be different. Ours 17:32:08  
19 may change in the future, but CMS is the 17:32:11  
20 one that reviews it now. 17:32:13

21 I do believe that upon request 17:32:15  
22 other agencies could review our package, 17:32:17  
23 but it's not standard practice. 17:32:20

24 Q. Would you know about that if 17:32:21  
25 they did? 17:32:23

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2 A. No. 17:32:23

3 Q. Who would? 17:32:23

4 A. Compliance. 17:32:24

5 Q. Would Mr. Pfost know, would he 17:32:28  
6 be advised of that? 17:32:31

7 A. He would probably know. I 17:32:33  
8 don't think he would be involved in that, 17:32:34  
9 but. 17:32:36

10 Q. Who presently runs compliance? 17:32:37

11 A. John Cerimeli. 17:32:40

12 Q. Was he there in 2010 also? 17:32:42

13 A. No. 17:32:45

14 Q. Who was there in 2010? 17:32:45

15 A. I would say we did not have an 17:32:50  
16 official compliance department in 2010. 17:32:53  
17 But the person that acted in that 17:32:57  
18 function, again, I would say was Mary 17:33:00  
19 Crigler. 17:33:03

20 Q. She's still employed? 17:33:09

21 A. Yes. 17:33:10

22 MR. HERBST: Would you mark 17:33:14  
23 this as Bryson Exhibit 6. 17:33:15

24 (Bryson Exhibit 6 for 17:33:16  
25 identification, Bates stamped 17:33:16

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2 CGI\_ASHMORE 2015422 through 17:33:16

3 2015428.) 17:33:17

4 Q. Bryson 6, what's that 17:33:17

5 document? 17:33:19

6 A. This is a request for quote 17:33:19

7 that we received from ICF that includes 17:33:21

8 the labor categories that we were pricing 17:33:25

9 against. 17:33:28

10 Q. Does this correspond to 17:33:28

11 Plaintiff's Exhibit 18? 17:33:30

12 A. Yes. 17:33:31

13 Q. Okay. 17:33:35

14 A. I believe so. 17:33:38

15 Q. Now, did you use this document 17:33:38

16 in your coming up with rates? 17:33:41

17 A. Yes. 17:33:44

18 Q. How did you use it? 17:33:44

19 A. I used it to understand the 17:33:46

20 due date. I used it to review the labor 17:33:48

21 category descriptions as written here. I 17:33:54

22 used it to understand the specific 17:33:58

23 qualifications that were necessary for 17:34:01

24 each of the different labor categories. 17:34:05

25 Q. Now, is it fair to say that 17:34:09

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2 because there was no name provided for 17:34:12  
3 project administrator on 18 that the 17:34:16  
4 understanding of CGI was that the prime, 17:34:21  
5 ICF, was going to provide that position? 17:34:25

6 A. I would -- I don't -- I don't 17:34:27  
7 think that's necessarily a fair 17:34:33  
8 statement. 17:34:35

9 Q. Why not? 17:34:36

10 A. Because what we were bidding 17:34:37  
11 was a blanket purchase agreement and 17:34:41  
12 while ICF may have provided a project 17:34:45  
13 administrator that's not to say that six 17:34:51  
14 months down the road we wouldn't have 17:34:55  
15 gotten an opportunity where we provided 17:34:56  
16 that. That's why we provided this full 17:34:58  
17 list of rates because that gives us the 17:35:00  
18 flexibility to staff any of those labor 17:35:02  
19 categories. I wouldn't -- I would say 17:35:05  
20 that because we provided a rate that 17:35:09  
21 leaves open the door for us to staff a 17:35:13  
22 position in that labor category in the 17:35:17  
23 future. 17:35:20

24 It's our typical practice 17:35:20  
25 unless instructed otherwise that if we 17:35:23



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2 have no intention of staffing a role, 17:35:25

3 that we won't bid that labor category. 17:35:28

4 Q. If you look at page 33 of 17:35:46

5 Bryson 7 that's a page for Jeffrey Baker, 17:35:48

6 right? 17:36:05

7 A. Yes. 17:36:05

8 Q. An ICF official, right? 17:36:05

9 A. Maybe. 17:36:08

10 Q. So he's listed as project 17:36:08

11 administrator in the key personnel? 17:36:11

12 A. Yes. 17:36:15

13 Q. So are you saying that even if 17:36:15

14 ICF was planning to staff the position as 17:36:21

15 project administrator you would have gone 17:36:25

16 ahead and figured rates, CGI rates for 17:36:27

17 those same positions? 17:36:30

18 A. Yes. 17:36:30

19 Q. Let's go to subject matter 17:36:31

20 expert. The codifications are listed on 17:36:41

21 that page, right, that one page, right, 17:36:50

22 for -- 17:36:56

23 A. Yes. 17:36:57

24 Q. The qualifications are just 17:36:59

25 listed in that one paragraph under 17:37:08

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2 subject matter expert, right, three

17:37:10

3 lines?

17:37:12

4 A. Yes.

17:37:12

5 Q. So advanced expertise in

17:37:12

6 business process reengineering practices

17:37:14

7 or in public housing; is that right?

17:37:18

8 A. Yes.

17:37:18

9 Q. So what in this description

17:37:20

10 caused you to use 13, 14 and -- or 14, 15

17:37:26

11 and 16?

17:37:36

12 A. Well just my overall

17:37:37

13 understanding of what's written here

17:37:40

14 specifically and the types of people that

17:37:43

15 subject matter experts usually are.

17:37:48

16 Typically they are very highly

17:37:53

17 specialized. They tend to be somewhat

17:37:55

18 senior in nature. And based on those

17:37:58

19 specific things I elected to use a more

17:38:05

20 senior mapping. And also knowing that

17:38:09

21 something as generic as subject matter

17:38:13

22 expert, particularly as it's written

17:38:15

23 here, I needed to be able to support a

17:38:17

24 wide range of people.

17:38:22

25 Someone could have been

17:38:27

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2 someone inexpensive at \$80,000 and I 17:38:28  
3 could have had to support someone making 17:38:30  
4 more than \$150,000. That's one of the 17:38:33  
5 reasons that I created the rate that I 17:38:37  
6 did. 17:38:40

7 Q. So didn't you check the 17:38:42  
8 rosters for the 17 people in 14, 15 and 17:38:57  
9 16 to determine whether or not they had 17:39:05  
10 the expertise required in this paragraph? 17:39:07

11 A. Did I look at those people 17:39:08  
12 specifically? 17:39:11

13 Q. Yes. 17:39:11

14 A. No. I mean I assumed that 17:39:12  
15 when someone is placed in that category 17:39:15  
16 that they are in fact a subject matter 17:39:18  
17 expert, but I don't -- I don't check that 17:39:20  
18 information. 17:39:22

19 Q. I guess based on your last 17:40:09  
20 answer you could have used for subject 17:40:11  
21 matter expert people in the lower 17:40:13  
22 categories making around 70,000 and for 17:40:14  
23 senior subject matter expert you could 17:40:19  
24 have used 14, 15 and 16? 17:40:21

25 A. I could have. 17:40:23

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2 Q. So going back to technical 17:40:24  
3 writer do you see the page that describes 17:41:04  
4 technical writer? 17:41:19

5 A. Yes. 17:41:20

6 Q. And it shows they want people 17:41:21  
7 with the following experience, right? 17:41:25

8 A. Yes. 17:41:26

9 Q. A, B, C and D? 17:41:27

10 A. Yes. 17:41:28

11 Q. Did you check to see whether 17:41:29  
12 technical writer 11, the one person there 17:41:30  
13 making \$101,000, had that experience? 17:41:33

14 A. No. 17:41:39

15 Q. Did you check to see whether 17:41:39  
16 the business analysts, I think you said 17:41:45  
17 it was business analyst 8, 9 and 10, 17:41:54  
18 right? 17:41:57

19 A. Yes, 8, 9 and 10. And no, I 17:42:02  
20 didn't check specifically if they had it. 17:42:05

21 Q. Had those qualifications? 17:42:07

22 A. I didn't. Typically when 17:42:08  
23 requirements are very specific like these 17:42:11  
24 are we often don't have those people, or 17:42:13  
25 we may hire for those people. But no, 17:42:16

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2 it's not typically part of my job to make 17:42:21  
3 sure that people are qualified to do what 17:42:24  
4 they say they're able to do. 17:42:28

5 Q. So going back to page 1 for 17:42:29  
6 project administrator, you didn't look to 17:42:32  
7 see whether the people in the categories 17:42:34  
8 that you selected that are shown on that 17:42:38  
9 -- yes, that document -- no, the one on 17:42:41  
10 your left? 17:42:46

11 A. Right. 17:42:46

12 Q. What's the number on that one? 17:42:47

13 A. Four. 17:42:48

14 Q. You didn't -- whatever people 17:42:49  
15 in categories you chose you didn't check 17:42:52  
16 to see if those people had experience 17:42:54  
17 that is listed in A, B, C through I on 17:42:56  
18 Bryson 6? 17:43:03

19 A. I didn't -- 17:43:04

20 Q. Correct? 17:43:05

21 A. I didn't check the 17:43:06  
22 individuals, but I know what the 17:43:07  
23 description for, what our internal role 17:43:08  
24 description for a project -- for a 17:43:11  
25 business analyst SME is and I know it 17:43:14

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2 encompasses the types of activities that 17:43:18  
3 are listed here as project administrator. 17:43:20  
4 I know that a business analyst does 17:43:24  
5 things such as MS project. I know that 17:43:26  
6 we had business analysts that are 17:43:30  
7 experienced in earned value. I know that 17:43:32  
8 we have business analysts that are PMP 17:43:34  
9 certified. 17:43:38

10 Did I check on an individual 17:43:39  
11 level to say, Joe, John Doe had this 17:43:41  
12 specific experience? No, I didn't. But 17:43:45  
13 I know that as part of my job that people 17:43:47  
14 with those skills live in those 17:43:50  
15 categories. 17:43:51

16 Q. But my question isn't just 17:43:52  
17 whether you looked at the individual 17:43:54  
18 people in categories 8, 9 and 10 to see 17:43:56  
19 if they had those qualifications. It's 17:43:59  
20 whether you compared the people in 8, 9 17:44:02  
21 and 10 with the people in other 17:44:07  
22 categories to determine whether 8, 9 and 17:44:10  
23 10 was the best mix to meet these 17:44:14  
24 particular qualification requirements? 17:44:18

25 MR. KLEIN: Object to the 17:44:21

1 KELLY L. BRYSON

2 form.

17:44:22

3 A. What I can say is that the

17:44:23

4 number increases with seniority and based

17:44:26

5 on my understanding of the types of

17:44:30

6 people that have these skills, I selected

17:44:32

7 what I felt was a reasonable mix.

17:44:35

8 Q. How long did it -- okay, and

17:44:37

9 the preparation of the mix was in Bryson

17:44:41

10 4, right?

17:44:48

11 A. Right.

17:44:49

12 Q. That's how you went and did

17:44:49

13 it, right?

17:44:51

14 A. Yes.

17:44:51

15 Q. How long did it take you to

17:44:52

16 prepare that chart and come up with the

17:44:54

17 rates?

17:44:56

18 A. It probably took a couple of

17:44:56

19 hours to pull together the first draft

17:44:58

20 and then if there were any iterations,

17:45:01

21 depending on how extensive, anywhere from

17:45:03

22 a few minutes to another hour or two.

17:45:06

23 Q. Those would be iterations

17:45:13

24 required or caused by what?

17:45:15

25 A. Caused by sending out an

17:45:17

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2 initial cut. Oftentimes I will send out 17:45:19  
3 an initial list of rates and say this is 17:45:21  
4 what I came up with based on what I know 17:45:23  
5 and then people provide feedback, and if 17:45:26  
6 necessary, we do additional revisions. 17:45:29

7 Q. Did you do that in this case? 17:45:32

8 A. I don't recall. 17:45:34

9 Q. Did you look to see whether 17:45:35  
10 there were any other iterations of that 17:45:37  
11 document prior or subsequent to that one? 17:45:40

12 A. In preparation for the 17:45:43  
13 testimony? 17:45:44

14 Q. Yes. 17:45:44

15 A. I did not look, no. 17:45:45

16 MR. HERBST: I'll request any 17:45:51  
17 prior iterations of that document 17:45:52  
18 or subsequent iterations. 17:45:54

19 (Request made.) 17:45:54

20 MR. HERBST: Let's take five 17:50:13  
21 minutes. 17:50:14

22 (A recess was taken.) 17:50:15

23 Q. With respect to Bryson 1, were 17:50:15  
24 the rates and figures here in this 17:50:21  
25 document provided to anybody but HHS, to 17:50:27



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2 your knowledge? 17:50:35

3 MR. KLEIN: Object to the 17:50:36

4 form. 17:50:37

5 A. The fully loaded rates would 17:50:39

6 have been provided to ICF. But other 17:50:43

7 than that, not to my knowledge. 17:50:48

8 Q. But to any other government 17:50:49

9 agencies, were the rates, labor 17:50:51

10 categories, staff names and estimated 17:50:53

11 hours in this document provided to, for 17:50:55

12 example, HUD? 17:51:01

13 A. This is -- it did get sent to 17:51:04

14 HUD. 17:51:07

15 Q. It did get sent to HUD? 17:51:07

16 A. Exhibit 1? 17:51:09

17 Q. Yes. 17:51:10

18 A. Or Bryson 1, yes, this was 17:51:11

19 sent to HUD. 17:51:13

20 Q. When? 17:51:14

21 A. On June 1st. 17:51:15

22 Q. This went to HUD? I thought 17:51:19

23 -- did it go to GSA, the General Services 17:51:22

24 Agency? 17:51:27

25 A. I mean my understanding is it 17:51:29

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2 went to HUD. If it went to someone else 17:51:33

3 then I mean I don't know. 17:51:35

4 Q. Was CGI required to provide 17:51:38

5 any certification or attestation as to 17:51:53

6 the accuracy of these rates with the 17:51:55

7 submissions to whichever government 17:51:58

8 agencies they went? 17:52:01

9 MR. KLEIN: Object to the 17:52:03

10 form. 17:52:04

11 A. Not to my knowledge. 17:52:04

12 Q. Looking at Bryson 2, I thought 17:52:05

13 you earlier testified that when someone 17:52:21

14 is hired either HR or the hiring manager 17:52:23

15 puts them into one of these categories? 17:52:28

16 A. Yes. 17:52:30

17 Q. Like SME 6, 7, 8, 9, 10, 11, 17:52:31

18 12, right? 17:52:35

19 A. In both a role and a number, 17:52:35

20 yes. 17:52:39

21 Q. How does the hiring manager 17:52:39

22 choose those numbers, the categories? 17:52:43

23 A. Well there are notional 17:52:47

24 descriptions for both their roles and the 17:52:50

25 numbers, but they are, they're not very 17:52:53

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2 specific, so there's a lot of discretion 17:52:57

3 on behalf of the hiring manager to put 17:53:00

4 them where they would like. It's not -- 17:53:02

5 it's an imperfect process and again, it's 17:53:06

6 very, again, professional discretion. 17:53:11

7 You could make -- you could easily make 17:53:14

8 an argument to put people in many 17:53:17

9 different combinations of categories. 17:53:18

10 It's not hard and fast. 17:53:20

11 Q. You said there were notational 17:53:21

12 what? 17:53:24

13 A. There are notional 17:53:24

14 descriptions that go on with them. 17:53:26

15 Q. Where are those descriptions? 17:53:27

16 A. They're not here. 17:53:29

17 Q. I know, but where would we 17:53:30

18 find them? 17:53:33

19 A. You can ask HR for them. 17:53:33

20 MR. HERBST: I'm going to 17:53:35

21 request the notional descriptions. 17:53:36

22 (Request made.) 17:53:36

23 A. I don't know what the official 17:53:41

24 title of the document is, but yes. 17:53:42

25 Q. I understand, but your counsel 17:53:44

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2 is here and he's heard your testimony and 17:53:46

3 I'm sure he'll be able to find them. 17:53:48

4 A. Yes. 17:53:50

5 MR. KLEIN: There's been no 17:53:51

6 representation by CGI that any of 17:53:52

7 the requests that have been made by 17:53:54

8 Mr. Herbst are going to be 17:53:56

9 produced, I just want to make the 17:53:58

10 record clear. 17:54:00

11 MR. HERBST: You can make 17:54:00

12 whatever record you want. I'm 17:54:02

13 requesting them and I'm sure that 17:54:04

14 if you decide to produce them, as I 17:54:05

15 believe you're required to do, that 17:54:08

16 you will have no difficulty 17:54:09

17 identifying them. 17:54:12

18 Q. Now let me ask you this. 17:54:13

19 Other than the descriptions which provide 17:54:16

20 a description of the role, is that what 17:54:20

21 these notional descriptions are? 17:54:23

22 A. Yes. They're high level 17:54:26

23 descriptions of each of these roles. 17:54:29

24 Q. And do the descriptions of the 17:54:30

25 roles also contain some qualifications? 17:54:34

1 KELLY L. BRYSON

2 MR. KLEIN: Object to form.

17:54:38

3 A. Most of these roles are

17:54:40

4 written very generically. There may be

17:54:44

5 some that indicate a particular skill or

17:54:47

6 degree or certificate, but.

17:54:49

7 Q. Does the person's hiring

17:54:53

8 salary have anything to do with the

17:54:56

9 notional description in each category?

17:54:59

10 A. With the description of the

17:55:03

11 category? I would say no. I don't think

17:55:08

12 so.

17:55:11

13 Q. In other words, if someone is

17:55:11

14 hired at 70,000 a year it doesn't

17:55:12

15 necessarily mean it will be in business

17:55:15

16 analyst SME 9, for example, as opposed to

17:55:18

17 8 or 10?

17:55:21

18 A. No, I mean the numbers do --

17:55:22

19 the number annotation does indicate a

17:55:25

20 kind of a salary band within which people

17:55:28

21 should fall ideally. But I mean there

17:55:34

22 are many, many situations where people

17:55:37

23 fall outside of that.

17:55:40

24 Q. Is that salary range or band

17:55:41

25 part of the notional description?

17:55:43

1 KELLY L. BRYSON

2 A. No.

17:55:45

3 Q. That the hiring manager can  
4 consult?

17:55:46

17:55:48

5 A. These are separate items. The  
6 role is separate from the level, but  
7 they're combined for pricing purposes  
8 because it gives us the flexibility to  
9 price a business analyst from on a very  
10 junior level to a very senior level. But  
11 those would be evaluated separately by a  
12 hiring manager or someone in HR.

17:55:48

17:55:51

17:55:57

17:55:59

17:56:02

17:56:06

17:56:09

17:56:13

13 Q. Does the hiring manager have  
14 discretion to put someone in a particular  
15 category?

17:56:14

17:56:16

17:56:19

16 A. I believe so.

17:56:20

17 Q. Does HR review them?

17:56:23

18 A. I would assume so. I'm not --  
19 I mean I'm not super familiar with that  
20 process.

17:56:25

17:56:29

17:56:31

21 MR. HERBST: We're done. Now,  
22 we're done for today but I intend  
23 to pursue the questions that were,  
24 you were instructed not to answer  
25 and if the court determines that

17:56:41

17:56:43

17:56:48

17:56:53

17:56:59

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25

KELLY L. BRYSON

the questions should have been  
answered, I'm going to ask you to  
come back. Thank you very much for  
your time.

17:57:01  
17:57:02  
17:57:03  
17:57:11

(Time noted: 5:57 p.m.)

\_\_\_\_\_  
KELLY L. BRYSON

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_

KELLY L. BRYSON - 8/28/2014

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1 NAME OF CASE: Ashmore v. CGI Group, et al  
 DATE OF DEPOSITION: August 28, 2014

2 NAME OF WITNESS: Kelly L. Bryson

I wish to make the following changes, for  
 3 the following reasons:

PAGE LINE

4 \_\_\_\_\_ CHANGE: \_\_\_\_\_

5 REASON: \_\_\_\_\_

6 \_\_\_\_\_ CHANGE: \_\_\_\_\_

7 REASON: \_\_\_\_\_

8 \_\_\_\_\_ CHANGE: \_\_\_\_\_

9 REASON: \_\_\_\_\_

10 \_\_\_\_\_ CHANGE: \_\_\_\_\_

11 REASON: \_\_\_\_\_

12 \_\_\_\_\_ CHANGE: \_\_\_\_\_

13 REASON: \_\_\_\_\_

14 \_\_\_\_\_ CHANGE: \_\_\_\_\_

15 REASON: \_\_\_\_\_

16 \_\_\_\_\_ CHANGE: \_\_\_\_\_

17 REASON: \_\_\_\_\_

18

19 Subscribed and sworn to before me

20 this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

21

22

23 \_\_\_\_\_

24 (Notary Public) My Commission Expires:

25



KELLY L. BRYSON - 8/28/2014

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1 C E R T I F I C A T E

2 STATE OF NEW YORK )

3 : ss.

4 COUNTY OF NEW YORK )

5

6 I, GAIL F. SCHORR, a Certified  
7 Shorthand Reporter, Certified Realtime  
8 Reporter and Notary Public within and for  
9 the State of New York, do hereby certify:

10 That KELLY L. BRYSON, the witness  
11 whose deposition is hereinbefore set forth,  
12 was duly sworn by me and that such  
13 deposition is a true record of the testimony  
14 given by the witness.

15 I further certify that I am not  
16 related to any of the parties to this action  
17 by blood or marriage, and that I am in no  
18 way interested in the outcome of this  
19 matter.

20 IN WITNESS WHEREOF, I have  
21 hereunto set my hand this \_\_\_\_ day of  
22 \_\_\_\_\_, 2014.

23

24

25 \_\_\_\_\_  
GAIL F. SCHORR, C.S.R., C.R.R.

## 1 E X H I B I T S

2

3 DESCRIPTION PAGE LINE

4 (Bryson Exhibit 1 for 142 13

5 identification, Bates

6 stamped CGI\_ASHMORE 2015411

7 through 2015421.)

8

9 (Bryson Exhibit 2 for 169 10

10 identification, Bates

11 stamped CGI\_ASHMORE 2015407

12 through 2015410.)

13

14 (Bryson Exhibit 3 for 220 16

15 identification, Bates

16 stamped CGI\_ASHMORE 2015431

17 through 2015433.)

18

19 (Bryson Exhibit 4 for 177 12

20 identification, Bates

21 stamped CGI\_ASHMORE

22 2015406.)

23

24

25

1 (Bryson Exhibit 5 for 220 20  
2 identification, Bates  
3 stamped CGI\_ASHMORE 2015429  
4 through 2015430.)  
5

6 (Bryson Exhibit 6 for 252 24  
7 identification, Bates  
8 stamped CGI\_ASHMORE 2015422  
9 through 2015428.)  
10

11 (Bryson Exhibit 7 for 83 2  
12 identification, document  
13 titled Part III - Oral  
14 technical quote  
15 presentation, business  
16 consulting services blanket  
17 purchase agreement in  
18 support of: The Department  
19 of Housing and Urban  
20 Development's (HUD's)  
21 Transformative Initiative.)  
22  
23  
24  
25

1 (Bryson Exhibit 8 for 83 12  
2 identification, document  
3 titled Sample Task Order 4:  
4 Housing Choice Voucher  
5 Program Phase III,  
6 Recommended Solution  
7 Analysis.)

8

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14 (Instruction not to answer.) 12 2

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16 (Instruction not to answer.) 13 9

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18 (Instruction not to answer.) 15 20

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8	previously marked and shown		
9	to witness.)		
10			
11	(Plaintiff's Exhibit 18,	28	24
12	previously marked and shown		
13	to witness.)		
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